

ORDER

1600.72

CONTRACTOR AND INDUSTRIAL SECURITY PROGRAM



April 4, 2001

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

FOREWORD

This order formally documents the Federal Aviation Administration's Contractor and Industrial Security Program, establishes and defines the policies and responsibilities for implementing the program in accordance with applicable laws and regulations, and initiates a quality assurance process that will ensure compliance with these policies.

The FAA's mission is to ensure safe, secure, and efficient air travel. Its ability to do this depends on the adequacy, reliability, and security of its facilities, automated systems, information, and resources.

The FAA, along with other Federal Government agencies, has become dependent upon a growing cadre of contractors, consultants, and other individuals to support its mission. Those contractor employees, consultants, and other individuals are given the same access to FAA facilities, systems, information, and resources as Federal employees. Therefore, the security measures applied during the selection and hiring should be no less than those applied during the selection and hiring of Federal employees. This order is designed to ensure equal and fair application of security measures during the hiring process. These new policies will eliminate security weaknesses and tighten controls over the hiring of contractor employees, consultants, and other persons by ensuring appropriate risk assessments and security screenings are performed.

It is incumbent upon each associate administrator, director, manager, and FAA employee to ensure full understanding and compliance with this order--the security of the FAA depends upon it.


Jane F. Garvey
Administrator

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CHAPTER 1. GENERAL

1. PURPOSE. This order establishes the Contractor and Industrial Security Program for the Federal Aviation Administration (FAA) and prescribes related policy, standards, criteria, and guidelines for security screening of contractor employees consistent with applicable laws, Executive Orders (E.O.), and Governmentwide regulations to parallel the FAA's Personnel Security Program where practicable. FAA Order 1600.1D, Personnel Security Program, contains the policies and procedures necessary for investigation of persons working as employees or volunteers at FAA-sponsored child care centers.
2. DISTRIBUTION. This order is distributed to all office and service directors in headquarters, the regions, and the aeronautical and technical centers, and the security and logistics divisions in the regions and centers, with limited distribution to all civil aviation security and logistics field offices and units.
3. REFERENCES TO DAYS. All references to days in this order refer to calendar days, unless otherwise stated.
4. DEFINITIONS. With respect to the FAA's Contractor and Industrial Security Program, the definitions in Appendix 1, Glossary, shall apply.
5. AUTHORITY TO CHANGE THIS ORDER. The Administrator reserves the authority to approve changes which establish or revise policy, delegate authority, or assign responsibility. The Associate Administrator for Civil Aviation Security may issue changes to this order as necessary to implement and manage the Contractor and Industrial Security Program. All substantive changes will be coordinated with the Office of Security and Administrative Management (M-40), Office of the Secretary of Transportation (OST).
6. BACKGROUND. The increased emphasis on reinventing and streamlining Government processes has led to the use of contractor employees to supplement, support, and even replace a growing segment of the Government workforce. The FAA utilizes contractors, contractor employees, consultants, and other persons (hereafter referred to as contractor employees) in support of virtually all aspects of its mission, including areas requiring access to classified national security information.
 - a. To ensure the protection of FAA facilities, sensitive information, and resources, contractor employees must undergo a security screening to determine their suitability to work under contract with the FAA. The FAA does *not* determine whom a contractor may employ. The FAA *does* reserve the right to restrict access to FAA facilities, sensitive information, and/or resources by any contractor. A determination of a contractor employee's fitness for access to FAA facilities, sensitive information, and/or resources is known as a suitability determination and is made by FAA personnel security specialists. For those contractor employees who will require access to classified national security information to perform under the contract, a determination must also be

made as to whether their use will be in the best interest of the national security. This determination is known as a security determination and is made by the Department of Defense (DOD) for the FAA.

b. With regard to classified contracts, when acting as a contracting agency, the Department of Transportation (DOT) has the authority and responsibility and performs the functions specified for a user agency in the latest editions of the National Industrial Security Program Operating Manual (NISPOM) and the Industrial Security Regulation (ISR), both of which are issued by DOD. The DOD grants the facility clearances to contractors as needed and security clearances to contractor employees when necessary for access to classified information. By agreement between DOT and DOD, DOD is authorized to act for and on behalf of DOT in providing security services for the protection of classified information that DOT releases to contractors, contractor employees, and consultants.

7. AUTHORITY TO INVESTIGATE CONTRACTOR EMPLOYEES. Due to their FAA affiliation, the extent of their responsibility, and the risk levels of the positions they occupy, the FAA investigates those contractor employees who have the same level of access to FAA facilities, sensitive information, and/or resources as do FAA employees in order to make suitability determinations.

a. On October 1, 1979, the Department of Justice (DOJ) rendered an opinion that Federal agencies have the authority to screen contractor employees in any reasonable manner and that such screening must be consistent with due process of law. The DOJ cited from the United States Code (U.S.C.) three statutory sources of agency authority to investigate and determine the suitability of contractor employees. Those authorities are:

(1) 5 U.S.C. 301. Authorizes the head of each executive or military department to “prescribe regulations for the Government of [the] department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property.”

(2) 44 U.S.C. 3102. This part requires each Federal agency to provide for “effective controls over the creation and over the maintenance and use of records in the conduct of current business” and in cooperation with the Administrator of the General Services Administration to “promote the maintenance and security of records deemed appropriate for preservation.”

(3) 5 U.S.C. 552a(e)(9) and (10). This part requires that each agency establish: (1) rules of conduct for persons involved in the design, operation, or maintenance of any system of records; and (2) appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records. The DOJ noted that U.S.C. 552a, while applicable only to systems of records containing information on individuals, does provide that agencies, consistent with their authority, have the right to extend the requirements of the section to Government contractors who operate such a system of records to accomplish agency functions.

b. OMB Circular A-130, Management of Federal Information Resources, requires Federal agencies to establish personnel security policies for Federal and contractor personnel as needed to ensure an adequate level of security for Federal automated information systems. These policies should include requirements for screening all individuals participating in the design, development, operation, or maintenance of sensitive applications, as well as those persons having access to sensitive data.

c. E.O. 12829 established the National Industrial Security Program (NISP) on January 6, 1993, to safeguard Federal Government classified information that is released to contractors, and it provides for the protection of information classified pursuant to E.O. 12958, Classified National Security Information, and the Atomic Energy Act of 1954, as revised. This E.O. appointed the Secretary of Defense as the Executive Agent for inspecting and monitoring contractors, licensees, and grantees who require or will require access to or who store or will store classified information and for determining the eligibility for access to classified information of such contractors, licensees, and grantees, and their respective employees. This E.O. requires that the heads of all Federal agencies enter into agreements with the Secretary of Defense that establish the terms of the Secretary's responsibilities on behalf of these agency heads. The FAA has entered into such an agreement and identified the Defense Security Service (DSS) as the primary agency responsible for conducting and adjudicating the background investigations on contractor employees and applicants, making the security determinations, and granting the security clearances for the FAA.

d. DOD Directive 5200.2, DOD Personnel Security Program, dated April 9, 1999, updated the policy and responsibilities changes to E.O. 12958 and E.O. 12968, Access to Classified Information. This directive prescribes that "the objective of any [contractor] personnel security program is that . . . contractor [employees] assigned to and retained in sensitive positions in which they could potentially damage national security are and remain reliable and trustworthy, and [that] there is no reasonable basis for doubting their allegiance to the United States." This directive continues authorization for the publication of DOD Directive 5200.2-R, Personnel Security Program, which established uniform common adjudicative standards for contractor security background investigations.

e. DOD Directive 5220.22-M, NISPOM, January 1995, established investigative requirements pertaining to contractor employees and prescribes for uniform common adjudicative standards paralleling the requirements and standards for Federal Government employees set forth in E.O. 12968. The NISPOM authorizes the FAA to restrict or otherwise control contractor employee access to classified information in the interest of national security. The requirements set forth in this manual apply to the release of classified information during all phases of the contracting process to include: bidding, negotiation, award, performance, termination, and the licensing or grant process with or under the control of the FAA.

f. Other authorities and references.

(1) 5 CFR 731, Suitability.

- (2) 5 CFR 736, Personnel Investigations.
- (3) National Institute of Standards and Technology, March 1992.
- (4) Public Law 100-235, Computer Security Act of 1987.

8. **EXCEPTIONS TO REQUIREMENTS AND STANDARDS.** Any exception to the requirements and standards contained in this order must be submitted to the Associate Administrator for Civil Aviation Security through the Office of Civil Aviation Security Policy and Planning (ACP-300) for approval. A complete copy of the proposed office, service, center, or region order or supplement to this order that contains the exception(s) must be provided to ACP-300 in support of the request.

9. **SCOPE.** The provisions of this order apply to persons employed as or by contractors, subcontractors, or consultants who have access to FAA facilities, sensitive information, and/or resources, other persons who have such access by agreement of the FAA, and persons who supply certain materials to the FAA as described in Chapter 4, Investigative Requirements.

10. **POLICIES.** Contractor and industrial security policies applicable throughout the FAA are as follows:

a. Except as stated in this order, the personnel security program policies and procedures applicable to FAA Federal employees will also apply to contractor employees and applicants who have comparable exposure (i.e., Federal employees in similar positions) to the agency's facilities, information, and/or resources where practicable.

b. The FAA will implement the requirements and procedures set forth in E.O. 12829 and the NISPOM, as necessary.

c. No person will work under contract with the FAA unless a determination has been made on behalf of the Administrator that the person's work under said contract will promote the efficiency of the service.

d. No person will work under a classified contract with the FAA unless a determination has been made on behalf of the Secretary of Transportation that such work is clearly consistent with the interests of national security.

e. Persons applying for work or to provide services or goods or working or providing services or goods under FAA contracts within the United States must have resided within the United States for 3 consecutive years of the last 5 years, unless exempt from the investigative requirements in accordance with paragraphs 403g and 403i-1 or a waiver of this requirement is requested and approved by ACS-1 prior to contract award.

f. Persons applying for work or to provide services or goods or working or providing services or goods under FAA classified contracts must be a U.S. citizen or permanent resident alien, except as provided for in paragraph 407b.

g. No person will be granted access to classified information by the FAA unless that person possesses a valid need-to-know and has been determined to be eligible for access by DOD in accordance with DOD Directive 5200.2-R.

h. Contractor employees who are screened to work or provide services or goods under an FAA contract will *not* be considered to have been granted a security clearance for access to classified information solely on the basis of the successful completion of any required investigation.

i. Appropriate background investigations will be conducted on all contractor employees and applicants unless they are exempted in accordance with paragraphs 403g, 403i-l, and 409 as determined by the SSE. These investigations will serve as the basis for a suitability determination.

j. The FAA will afford fair, impartial, and equitable treatment to all contractor employees and applicants through the consistent application of contractor security standards, criteria, and procedures as specified in applicable laws, regulations, and orders.

k. Contractor employees and applicants will be given an opportunity to explain or refute derogatory information used as the basis for any adverse action taken against them.

l. Investigative records and contractor personnel security files may be disclosed only to the extent necessary under the requirements of the latest editions of Order 1270.1, Freedom of Information Act Program, and Order 1280.1, Protecting Privacy of Information About Individuals.

11. **RESPONSIBILITIES.** The following paragraphs provide a broad overview of the duties and responsibilities for those FAA employees and/or offices involved in the FAA's Contractor and Industrial Security Program.

a. **Administrator.** The Administrator ensures the FAA maintains a Contractor and Industrial Security Program consistent with applicable laws, regulations, and orders. This program ensures that the FAA's use of persons performing work or providing services or supplies under a contract will promote the efficiency of the service.

b. **Associate Administrator for Civil Aviation Security (ACS-1).** ACS-1 implements the FAA's Contractor and Industrial Security Program and provides general direction for the program throughout the FAA. Resources needed for conducting an effective program must be available and efficiently used.

c. **Office of Civil Aviation Security Policy and Planning (ACP).** ACP promulgates contractor and industrial security policy, standards, and guidelines that are applicable throughout the FAA.

d. Office of Civil Aviation Security Operations (ACO). ACO conducts the Contractor and Industrial Security Program operations and directs program implementation in the headquarters, regions, and centers, and, in coordination with ACP-1, appraises the effectiveness and efficiency of the program at the headquarters, region, and center levels.

e. Directors of offices and services. Directors of offices and services including subordinates in regional and field office facilities ensure that their subordinates understand and comply with Contractor and Industrial Security Program requirements.

f. Regional administrators and center directors. Regional administrators and center directors ensure implementation of and compliance with this directive in their respective regions and centers through their logistics and contracting organizations and any other organizations that report directly to them as appropriate.

g. Managers of servicing security elements (SSE). Personnel security officers conduct contractor and industrial security operations. For a more comprehensive listing of responsibilities, refer to FAA Order 1600.73, Contractor and Industrial Security Program Operating Procedures, Chapter 1, Introduction.

(1) Under the direction of ACO-1, the managers of the Investigations Division (ACO-300), the regional and Aeronautical Center's Civil Aviation Security Divisions, and the Technical Center's Civil Aviation Security Staff:

(a) Implement and maintain an effective Contractor and Industrial Security Program within their areas of responsibility.

(b) Designate a personnel security officer in writing who will be responsible for contractor and industrial security. The designated personnel security officer may serve in this capacity concurrently.

(c) Ensure compliance with contractor suitability investigative requirements.

(d) Ensure appropriate training is provided for designating position risk and sensitivity levels and for suitability adjudication.

(e) Provide guidance to operating offices, contracting offices (CO), logistics divisions (LD), and real estate contracting offices (RECO) on contractor and industrial security policies and procedures.

(f) Ensure all contractors and contractor employees requiring facility or security clearances are processed in accordance with the requirements stipulated in the NISPOM, ISR, and/or other applicable DOD regulations.

(g) Ensure determinations concerning the use of foreign nationals and immigrant aliens under unclassified and classified FAA contracts are in the best interest of the FAA and that a specific compelling need exists for each determination.

(h) Ensure appropriate language is used in contracts which contain work, services, supplies, or other duties to be performed or provided by contractor employees to allow the conduct of security screenings when needed.

(i) Ensure that position risk and sensitivity levels are properly determined.

(j) Evaluate the effectiveness of the Contractor and Industrial Security Program.

(k) Ensure and evaluate the integrity of the data entered into any automated information system used to store, track, monitor, and/or retrieve contractor employee investigative data.

(2) In addition to the responsibility for Contractor and Industrial Security Program operation at the headquarters level, ACO-300 is responsible for the contractor and industrial security functions related to headquarters level and *national* contracts.

h. SSE's. The following statements comprise a broad overview of the duties and responsibilities of SSE's. For a more comprehensive listing of responsibilities for SSE's, refer to Order 1600.73, chapter 1. SSE's will:

(1) Implement the Contractor and Industrial Security Program policies and procedures established by this order and Order 1600.73.

(2) Provide guidance to operating offices, contracting officers, logistics management specialists (LMS), and RECO's on contractor and industrial security policies and operating procedures.

(3) Assist operating offices, contracting officers, LMS's, and RECO's in determining which contracts require investigation of contractor employees and ensure inclusion of appropriate security clauses in those contracts.

(4) Ensure appropriate security screenings are conducted on contractor employees when required in accordance with Chapter 4, Investigative Requirements, of this order and Order 1600.73, Chapter 4, Investigative Requirements and Initiation Procedures.

(5) Make suitability determinations on contractor employees in accordance with the requirements stipulated in Chapter 6, Suitability Determinations, of this order and Order 1600.73, Chapter 5, Suitability Determinations, ensure appropriate documentation and all required notifications are made.

(6) Maintain appropriate records, when required:

(a) On contractor employee background investigations.

(b) Of contractor-certified visit requests for visits by foreign nationals and immigrant aliens to FAA facilities.

(7) Assist in periodic evaluations of the Contractor and Industrial Security Program to ensure its effective and efficient operation and to ensure compliance with this order.

i. All Managers. All managers will:

(1) Ensure full understanding of and compliance with contractor security standards, criteria, and procedures by individuals under their jurisdiction, thus appropriately protecting the interests of the national security, the FAA, and promoting the efficiency of the service.

(2) Identify and report to the SSE any significant deviation from contractor security standards, criteria, or procedures.

j. Contracting offices, LD's, RECO's, and designees. All offices and individuals that perform contracting functions ensure full compliance with the contractor and industrial security standards, criteria, and procedures outlined in this order and Order 1600.73. Refer to Order 1600.73, chapter 1, for individual, itemized lists of responsibilities.

(1) Ensure all solicitations and new, modified, or renewal contracts containing work, services, supplies, or other duties to be performed or provided by contractor employees are coordinated with the SSE for review and determination of applicable personnel security investigative requirements prior to solicitation.

(2) Ensure appropriate language is used in all solicitations and contracts that contain work, services, supplies, or other duties to be performed or provided by contractor employees that allows the conduct of security screenings when needed through the security clauses contained in the Federal Aviation Administration Acquisition System Toolset (FAST).

(3) Ensure the SSE is notified whenever the status of a contract or contractor employee changes (i.e., replaced, defaulted, terminated, etc.) impacting personnel security requirements and/or access to FAA facilities, sensitive information, and/or resources.

(4) Ensure all solicitations and contracts requiring disclosure or release of classified information to the contractor, contractor employees, or other persons not employed by the FAA contain language that clearly identifies this requirement by incorporation of the applicable security clause(s) from the FAST and a completed DD Form 254, Contract Security Classification Specification, prior to solicitation in coordination with the SSE and operating office.

(5) Ensure position risk level designations determined by the operating office are forwarded to the SSE for review and approval prior to contract award.

(6) Ensure the SSE receives all completed investigative forms within 30 days of contract award.

(7) Ensure the SSE receives a list of all proposed contractor employees, the name of the contracting company, contract number, duty location, identification of the funding line of business, and the names of the contracting officer and COTR for each contract within 5 days of contract award.

(8) Ensure no contractor employee begins work or provides services or supplies under any contract until the SSE or DSS has provided written authorization to do so.

(9) Ensure the SSE is notified of any information that may raise a question about the suitability of any contractor or contractor employee immediately upon discovery.

(10) Ensure appropriate action is taken immediately upon notification that a contractor employee is determined to be unsuitable for access to FAA facilities, sensitive information, classified information, and/or resources and ensure the SSE is notified upon completion of the action.

(11) Provide the contractor all applicable security regulations and ensure the contractor complies with the requirements set forth in the security regulations.

(12) Assist in periodic evaluations of the Contractor and Industrial Security Program to ensure its effective and efficient operation and compliance with this order.

(13) Ensure and evaluate the integrity of all data entered into any automated information system used to store, track, monitor, and/or retrieve contractor and contractor employee information.

12.-199. RESERVED.

CHAPTER 2. CONTRACTOR AND INDUSTRIAL SECURITY OPERATIONS

200. GENERAL. This chapter outlines the process and prescribes the FAA's standards and responsibilities for conducting contractor and industrial security operations and for maintaining contractor security records.

201. STANDARDS OF OPERATION. FAA contractor and industrial security operations will meet the following standards:

a. The operations will be conducted at organizational levels where they are closely controlled to ensure that they comply with FAA requirements, are managed in an efficient and effective manner, and furnish all program information which the OST requires.

b. In servicing security elements (SSE), only professionally qualified personnel security officers will direct contractor and industrial security operations. SSE managers may delegate responsibility for suitability adjudication, but may do so only to personnel security specialists who are fully trained to evaluate reports and results of background investigations and who have successfully completed the Office of Personnel Management's (OPM) security and suitability adjudication course, or an equivalent course, prior to being authorized to adjudicate cases.

c. When an operating office delegates program authority to field offices, the SSE will maintain close controls, conduct periodic evaluations as necessary, and closely monitor the program operations.

202. THE PROCESS. There is a sequential process by which suitability and security determinations are made that allow contractor employees to begin work or provide services or goods under an FAA contract. Each step is essential to the process and must be conducted in a specific sequence in order for the process as a whole to succeed. For example, completion of FAA Form 1600-77, Contractor Position Risk/Sensitivity Level Designation Record, determines the level and type of security screening required for each position under a given contract. If this form is completed out of sequence or is omitted altogether, then suitability or security determination cannot be made. Without a suitability or security determination, a contractor employee cannot begin work or provide services or goods under a contract. Figure 1, Contractor Security Screening Process, illustrates each step of the process for making suitability determinations in appropriate sequential order. These steps are addressed in this and the remaining chapters of this order. Figure 2, Industrial Security Screening Process, illustrates the steps in the process for making security determinations for access to classified information in which the FAA has an active role. The background investigations for contractor employees requiring access to classified information are controlled and conducted by the Defense Security Service (DSS).

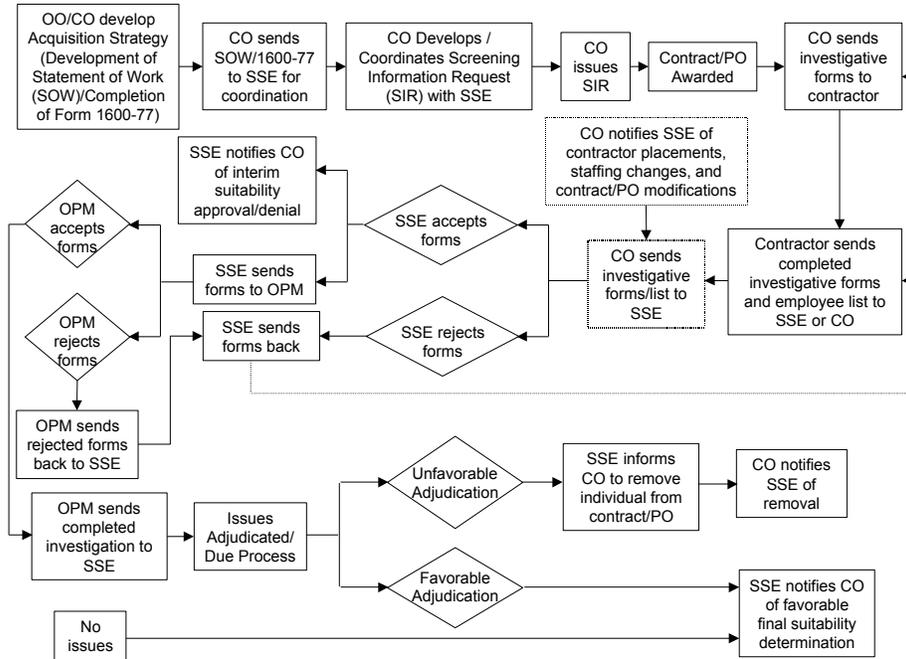


Figure 1 Contractor Security Screening Process

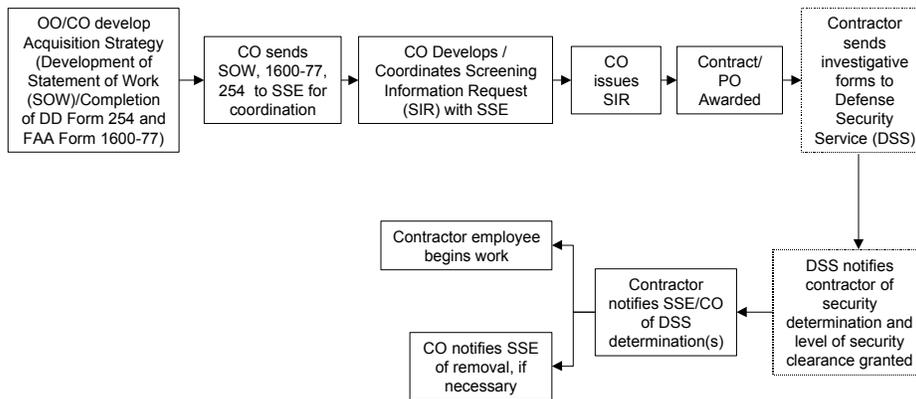


Figure 2 Industrial Security Screening Process

203. PROCUREMENT REVIEWS. The protection of the security interests of the FAA can only be ensured by cooperation and timely exchange of information between the Office of Civil Aviation Security Operations, Investigations Division (ACO-300); regional, center, and field SSE's; the Research and Acquisitions Organization (ARA); Office of Information Services (AIO); Office of Regions and Center Operations (ARC); and the regional, center, and field contracting officers (CO), contracting officer's technical representatives (COTR), real estate contracting officers (RECO), and logistics management specialists (LMS). These reviews identify what security screenings, if any, are required for the proposed contractor employees and precede all other operational actions relative to the Contractor and Industrial Security Program.

a. SSE's must review all statements of work (SOW), new contracts, and all modifications to and renewals of contracts that contain work, services, supplies, or other duties to be performed or provided by contractor employees to ensure appropriate language is included to allow for the conduct of security screenings when necessary. SSE's will use the procedures outlined in Order 1600.73, chapter 2, when conducting these reviews.

b. SSE's must review all solicitations and contracts requiring disclosure or release of classified information to the contractor, contractor employees, or other persons not employed by the FAA to ensure appropriate language that clearly identifies this requirement and a completed DD Form 254, Contract Security Classification Specification, are included prior to release or award. SSE's will use the procedures outlined in Order 1600.73, chapter 2, when conducting these reviews.

c. SSE's must review all FAA Forms 1600-77, Contractor Position Risk/Sensitivity Level Designation Record, to ensure they have been properly completed and approve the position risk or sensitivity level designations. SSE's will apply the guidelines contained in chapter 3 of this order and the procedures outlined in Order 1600.73, chapter 3, when conducting these reviews.

(1) Operating offices must document, in detail, the information associated with each position or group of positions on FAA Form 1600-77 and include a detailed justification for any exemption pursuant to paragraphs 403i-1 and/or in block IV, Final Adjustment Factors. (Refer to Order 1600.73, Chapter 3, Position Risk/Sensitivity Level Designation, for step-by-step instructions on completing FAA Forms 1600-77 and determining position risk/sensitivity levels.)

(2) Operating offices must forward all completed FAA Forms 1600-77 to the SSE for review and signature.

(3) If the SSE determines that the information provided on the completed form meets the requirements for exemption, the form will be approved and returned to the operating office.

(4) If the SSE determines that the information provided on the completed form does not meet the requirements for exemption and/or that the nature of the access required by the position or group of positions warrants some type of security screening, the form will **not** be approved.

(a) The SSE must advise the operating office of this determination and the reason for the determination.

(b) The operating office must either reaccomplish the form to show an appropriate risk/sensitivity level or provide additional justification for exemption and forward the new form to the SSE for review and approval.

204. FUNDING FOR CONTRACTOR SECURITY SCREENINGS. Each line of business (LOB) will fund security screenings, such as background investigations and fingerprint checks on contractor employees. The operating or program office for which the work, services, and/or supplies are being contracted must establish a funding mechanism for these security screenings. This funding should not be incorporated into the affected contracts. Until a funding mechanism has been established, operating or program offices should use Operations (OPS), Facilities and Equipment (F&E), or Research and Development (R&D) funds, as determined by the contract, to pay for any required contractor security screenings.

205. INITIATING, MONITORING, AND CLOSING INVESTIGATIONS. SSE's are responsible for ensuring that all requests for investigation that do not involve access to classified information are submitted to OPM as required by chapter 4 and this paragraph within 14 days of receipt. Since DSS conducts the background investigations on contractor employees who require access to classified information and grants the security clearances, this section will not address initiating, monitoring, and closing of those investigations.

a. Forms requirements. The CO's, logistics divisions (LD), and RECO's have the primary responsibility for ensuring that required investigative forms for investigation of contractor employees are submitted to the SSE and that the SSE has provided written authorization prior to allowing the contractor employees access to FAA facilities, sensitive information, and/or resources. The operating office will assist the contracting office as necessary.

(1) Due to the sensitive nature of the forms required to conduct background investigations and Privacy Act requirements, contractor employees should submit completed investigative forms directly to the SSE in a sealed envelope. When circumstances prevent direct submission to the SSE, the forms may be submitted in a sealed envelope directly to the CO, LD, or RECO who will forward them without inspection to the SSE.

(2) The contractor must provide the CO, LD, or RECO a list identifying each proposed contractor employee within 5 days after contract award for whom investigative forms are being submitted.

(3) The CO, LD, or RECO must forward a copy of the list provided by the contractor to the SSE.

(4) Specific forms required to initiate security screenings are:

(a) For all contractor employee positions requiring investigation that do not require access to classified information, one FD-258, FBI Fingerprint Card, and one Standard Form (SF) 85P, Questionnaire for Public Trust Positions.

(b) For all contractor employee positions requiring investigation that require access to classified information, one FD-258 and one SF-86, Questionnaire for National Security Positions.

(c) For those positions that require only a fingerprint check, one FD-258 and one SF-85P.

(d) For all update and upgrade investigations on positions that do not require access to classified information, one FD-258 and one SF-85P.

(e) The SSE may also require submission of other forms as needed to comply with OPM requirements. As necessary, ACO-300 will transmit to the SSE's information about additional forms or information required to initiate background investigations on contractor employees.

b. Initiation guidelines.

(1) When only a fingerprint check is required, the SSE may initiate this check directly with the FBI or through OPM. The SSE will submit the FD-258's within 5 days of receipt of completed forms. Refer to Order 1600.73, chapter 4, for specific procedures.

(2) The SSE will review the investigative forms for accuracy and completeness and to determine whether any background investigation has been previously conducted prior to submission to the appropriate investigative agency. Incomplete forms *may* be returned to the CO, LD, or RECO in a sealed envelope for correction by the affected contractor employee *or* the SSE *may* contact the affected contractor employee to obtain any missing/needed information.

(3) The SSE will initiate all background investigations on contractor employees within 14 days of receipt of the completed investigative forms or approval of interim suitability determination requests. The security screenings may be initiated with OPM or other designated agencies providing this service. ACO may also establish procedures for the SSE's to conduct the required investigations on contractor employees whenever

deemed appropriate. Any information that FAA developed during preliminary reviews and/or checks will be forwarded to OPM with the respective investigative forms.

(4) The SSE will not submit any forms to initiate investigations until it has completed the preliminary review and ensured the forms are complete.

c. Monitoring initiated investigations. The SSE will monitor all investigations it has initiated to ensure completion and receipt within the requested service timeframe. If an investigation has not been completed and received within the requested service timeframe, the SSE will contact OPM to determine the status of the investigation and obtain an anticipated completion date. The SSE will follow up as necessary until the completed investigation is received.

d. Discontinuing investigations.

(1) The SSE will discontinue an investigation whenever it becomes clear that the investigation is no longer needed, such as when a contractor employee declines a position or is no longer being considered. The CO, LD, RECO, and operating offices must immediately notify the SSE when they become aware that discontinuing an investigation is warranted.

(2) The SSE will telephonically advise OPM immediately upon determining that an investigation should be discontinued and will follow up with a written notification that includes the reason for the discontinuance. The SSE will also notify the servicing accounting office and will advise that office of the expected charge for the incomplete investigation, if any. The SSE will contact OPM, if necessary, to resolve any subsequent question as to the charge for an incomplete, discontinued investigation.

e. Closing and adjudicating investigations.

(1) OPM will send all reports of investigation (ROI) to the SSE identified by the security office identifier (SOI) code on the SF-85P. The SSE will review all reports of investigation for investigative sufficiency and resolve any deficiencies prior to formal adjudication.

(2) The SSE will adjudicate all ROI's on contractor employees to determine their suitability to work under FAA contracts with access to FAA facilities, sensitive information, and/or resources. In those cases where the SSE believes that information developed during the course of an investigation might result in an unfavorable suitability determination, it will consult with the contracting office, CO, LD, or RECO and any office with a valid need to know.

(3) If, after receipt of a completed ROI, the SSE determines that additional investigative work is required to make a suitability determination, the SSE must follow the criteria and procedures outlined in paragraph 203 of this order and Order 1600.73, chapter 5.

(4) The SSE will apply the same suitability standard and criteria to adjudicate background investigations on contractor employees as used in the adjudication of comparable investigations conducted on FAA applicants and employees. The standard and criteria are outlined in chapter 5 of this order and procedures for applying the standard and criteria are outlined in Order 1600.73, chapter 5.

(5) The SSE will provide contractor employees due process prior to making an unfavorable suitability determination based on information provided in an ROI. The FAA may deny a contractor employee access to its facilities, sensitive information, and/or resources until due process has been completed as appropriate.

(a) The SSE may provide due process either orally or in writing. The SSE will clearly explain the unfavorable information and provide the affected contractor employee an opportunity to respond within a reasonable amount of time of not more than 30 days from the date of the due process notification.

(b) The SSE will communicate directly with the affected contractor employee when providing due process to protect the affected contractor employee's rights under the Privacy Act.

(c) The SSE will then consider any information the employee has provided within the prescribed timeframe before making a final suitability determination. The FAA does not have to give the contractor employee any additional opportunity to respond to the decision.

(d) The SSE will make a suitability determination based on the information available if the contractor employee does not respond within the prescribed timeframe.

(6) The SSE will notify the CO, LD, or RECO in writing of all final suitability determinations. When an unfavorable suitability determination is made, the CO, LD, or RECO must then notify the contractor to remove the employee as otherwise objectionable from performance under the contract or to take other action as the SSE directs. The CO, LD, or RECO must then notify the SSE when the removal or other action has been taken. For example the SSE may deny the person access to FAA facilities, sensitive information, and/or resources, but may still allow him or her to work at another location where such access will not be required.

(7) Due to strict requirements under the Privacy and Freedom of Information Acts, neither the SSE nor any other FAA employee may disclose to a contractor or other contractor employees information contained in any background investigation on a contractor employee or the specific reason(s) for any suitability determination.

206. ADDITIONAL SSE INVESTIGATION. It may be necessary for the SSE to conduct an additional investigation before making a suitability determination once a completed ROI is received from OPM.

a. Additional investigation criteria.

(1) The SSE will conduct or open an investigation whenever:

(a) The additional work required consists of interviews with additional sources or extensive records checks.

(b) There is at least one material, unresolved issue, the resolution of which would impact a suitability determination; and

(c) The SSE has determined that the subject of the investigation is still under active consideration as a contractor employee and has neither declined employment with the contractor nor been terminated by the contractor.

(2) The SSE will *not* conduct or open an investigation:

(a) Solely to conduct an interview of a contractor employee or applicant, or to conduct brief, followup records checks with courts or law enforcement agencies.

(b) To conduct checks that can be conducted electronically or by mail.

(c) When existing reports resolve all material issues; i.e., issues whose resolution would be likely to impact a suitability determination.

(d) When admissions by the subject provide sufficient information on which to make a suitability determination.

(e) When issues, even if unresolved, are minor or in the distant past, and resolution would *not* impact a suitability determination.

b. Initiation of investigations. When it is necessary to open an investigation, the SSE will conduct it according to procedures established by the Office of Civil Aviation Security Operations (ACO). If an investigation is not necessary, the SSE may interview the subject in person or send a letter or memorandum to him or her to fulfill the due process requirements prescribed in paragraph 206c.

c. Documenting investigative work.

(1) If there is a need for substantial investigative work in addition to an interview with a contractor employee or applicant, then all of the investigative results, including the interview, will be reported in an ROI in accordance with procedures established by ACO.

(2) If there is no need for an investigation, then the SSE will prepare a memorandum to the contractor personnel security file to document the results of an interview and any additional checks conducted. Any written statement from the subject will also be included in the file.

207. ADJUDICATION, ISSUE RESOLUTION, AND DUE PROCESS.

a. Adjudication of security screenings. SSE's will adjudicate all security screenings they initiate on applicants and contractor employees and make suitability determinations in accordance with the guidelines contained in chapters 5 and 6 of this order and the procedures outlined in Order 1600.73, chapter 5.

b. Issue resolution. The examination and evaluation of the seriousness of issues developed during security screenings on contractor personnel should mirror that of Federal employees. However, the means by which these issues are resolved and the extent to which contractors are afforded an opportunity to explain or refute any unfavorable information is more limited. SSE's will resolve all issues in accordance with the procedures outlined in Order 1600.73, chapter 5.

c. Due process. Contractor personnel have no formal appeal rights. The FAA has full control over granting, denying, withholding, and terminating unescorted access to FAA facilities and/or sensitive information to contractor employees based on the results of a security screening. Before making an unfavorable suitability determination, the SSE must afford the affected contractor employee an opportunity to refute, explain, or mitigate any derogatory information. SSE's will follow the due process procedures outlined in Order 1600.73, chapter 5.

208. CONTRACTOR SECURITY RECORDS. Records, whether electronic or hard copy, established in accordance with this paragraph contain sensitive information and Privacy Act protected information and may contain classified information. All FAA personnel will protect these records at all times during handling, transmittal, storage, and release.

a. Automated file systems. The SSE will enter a record into an automated information system approved by ACO on all applicants and contractor employees. The SSE will also enter a record on any contractor employee to whom DOD has granted a security clearance for work under an FAA contract. Contractor employee information in the approved system will be available to all SSE's and will serve as the primary means by which an SSE can determine if a particular contractor employee has been investigated.

b. Contractor security files (CSF). SSE's will establish CSF's for all contractor employees who hold security clearances and for contractor employees in other positions when there are ROI's or other contractor security materials warranting retention. Documents such as FAA Form 1600-77 may be kept in other alphabetical files when no CSF is maintained.

c. File retention.

(1) All CSF's will be maintained for as long as the contractor employees are working under an FAA contract.

(2) CSF's on all terminated contractor employees will be retained and destroyed as follows:

(a) CSF's containing significant suitability information will be retained in accordance with the latest edition of Order 1350.15, Records Organization, Transfer, and Destruction Standards.

(b) CSF's that do not contain significant suitability information or an FAA ROI will be retained for 30 days following termination of employment unless the employee is expected to be reemployed within 5 years.

(3) CSF's containing an FAA ROI will be retained for 5 years following termination.

(4) SSE's will retain other contractor security correspondence and records in accordance with the latest edition of Order 1350.15.

(5) SSE's will retain all CSF's on nonselected contractor employees for a period of 1 year from the date of nonselection unless they contain FAA ROI's. In those cases, the CSF's will be retained for 5 years.

d. Reviews of CSF's. SSE's will provide contractor employees an opportunity to review their CSF upon request. Contractor employees may also, in writing, authorize a representative to review their CSF. The SSE will do the following when complying with a request for a CSF review:

(1) Review the file before letting the contractor employee or authorized individual review it or before sending it to a field facility for review.

(2) Remove any ROI completed by another agency, such as OPM, DSS, or FBI. If such a report is removed, inform the employee or authorized individual in writing that the original of the CSF contains a report completed by a specified agency, that the FAA is not authorized to release it directly to the contractor employee or authorized individual, and that the contractor employee or authorized individual should contact the investigating agency directly in order to request a copy.

(3) Remove from the file any other information, such as identification of a confidential source or that concerning an ongoing investigation, that is exempt from release under the Privacy Act.

(4) If the contractor employee works at Washington headquarters, a regional headquarters, or a center, permit review only at the SSE.

(5) If the contractor employee works at any other location, send only a certified true copy of the CSF to the duty location, retaining the original in the SSE. Enclose the copy in an envelope addressed to the contractor employee and marked, "TO BE

OPENED BY ADDRESSEE ONLY,” and transmit the envelope according to the requirements in Order 1280.1.

(6) When the review takes place at the SSE, permit the contractor employee or authorized individual to review the CSF only under the direct observation of an SSE employee. Provide the contractor employee or authorized individual a reasonable amount of time to review the file and ensure that he or she does not withdraw any documents or pages from it.

209. SAFEGUARDING RECORDS AND PRIVACY ACT REQUIREMENTS.

a. SSE’s will provide access to CSF’s, ROI’s, any record of derogatory information including a contractor employee’s response to it, only to those individuals who, in their official capacity, have a need to know such information, and to individuals authorized in writing by the contractor employee.

b. Investigative information obtained under a pledge of confidence will be controlled in accordance with the restrictions that the investigating agency of record has placed on it. Such restrictions normally preclude divulging it to the subject of the investigation.

c. OPM ROI’s may be disseminated to authorized agency officials on a strict need-to-know basis. SSE’s are responsible for deciding on the extent of dissemination and may furnish summaries or extracts of investigative reports in lieu of disseminating the reports themselves.

d. Medical reports included as part of an investigation will be carefully controlled to ensure that the information they contain is disseminated only to persons who need it for suitability adjudication. These records will be released to operating office managers only through aviation medical officials, who will interpret the medical information to those management officials who have a need to know.

e. ROI’s, CSF’s, and other records that contain classified information and sensitive but unclassified information will be protected in accordance with the latest edition of Order 1600.2, Safeguarding Controls and Procedures For Classified National Security Information And Sensitive Unclassified Information.

f. All CSF’s, ROI’s, personal history statements (including SF-85P’s), and other contractor personnel security records and documents which contain information of a personal or privileged nature will be protected, transmitted, stored, and destroyed in accordance with the latest editions of Orders 1600.2 and 1280.1. No employee will have unrestricted access to any such records on himself or herself and employees will have access to CSF’s only as provided by paragraph 209g.

(1) As a minimum, these records will be considered “For Official Use Only.” It is not necessary to mark individual documents and records “For Official Use Only,” as

long as they are retained in the CSF. If these records are transmitted outside the CSF, they will be individually marked "For Official Use Only."

(2) All ROI's will be stored in a combination locked cabinet or safe or other equally secure area.

(3) All SSE personnel must ensure need-to-know before releasing ROI's, or extracts or summaries of these reports, to anyone outside the SSE. Persons outside the SSE who review ROI's will sign FAA Form 1600-12, Investigative Record Review, acknowledging that they understand their obligation to protect the information. Individuals reviewing investigative information pertaining to themselves need not sign such an acknowledgment.

g. Privacy Act requirements. In responding to requests under the Privacy Act for disclosure of information in CSF's and/or ROI's, FAA personnel will follow all requirements of the latest edition of Order 1280.1. However, no ROI completed by another Federal agency will be released in response to a Privacy Act request without the consent of that agency. FAA is not authorized to release such a report outright, as that is the prerogative of the agency that prepared it. If an individual asks for a copy of his or her CSF and the CSF contains another agency's ROI, the person will be told that the CSF contains the report, which agency prepared it, and that the FAA is not authorized to release it without the other agency's consent. In such a case, the FAA personnel responding to the request will follow the procedures stated in Order 1280.1 concerning records that originated outside FAA. In the case of an OPM ROI, and because OPM has requested this procedure, the individual must be told to contact OPM directly to ask for a copy.

h. FAA personnel receiving third party for records must follow the procedures for responding to them as outlined in the latest editions of Orders 1270.1 and 1280.1. Such requests must be in writing.

(1) A third party request for records coming in under the Privacy Act only must have a signed statement by the first party to whom the record pertains granting the FAA permission to release the records to the specific third party before FAA personnel may do so.

(2) If a third party request for records does not include a signed statement from the first party to whom the record pertains, and if the record requested is specifically part of the Privacy Act system of records and identifies the individual by name, social security number, or other specific identification, the request must be processed under the provisions of the Freedom of Information Act (FOIA).

(3) If the information for a third party request is found in general records not identified by the individual's name, social security number, or other specific identification, FAA personnel must respond to the request under the provisions of the FOIA.

(4) If the request concerns a deceased individual, FAA personnel must respond to it under the provisions of the FOIA.

210. ANNUAL REVIEW OF DD FORMS 254. Annually on the anniversary date of the contract or more often if required by the NISPOM or other DOD regulation, the operating office must review all DD Forms 254 for accuracy and currency. If changes are necessary, the operating office and the contracting office, in coordination with the SSE, must issue a revised DD Form 254, preparing it as specified in the NISPOM or other DOD regulation. If no change is necessary, the operating office will notify all holders of the DD Form 254 that it is current in all respects.

211.-299. RESERVED.

CHAPTER 3. POSITION RISK/SENSITIVITY LEVEL DESIGNATION

300. POSITION RISK/SENSITIVITY LEVEL DESIGNATION. All contractor positions must be designated as to their level of risk in terms of suitability and access to automated information systems (AIS) and level of sensitivity in terms of the national security.

a. Risk Level Designation. Every contractor position will be designated at a risk level commensurate with the public trust responsibilities and attributes of the position as they relate to the efficiency of the service. Suitability risk levels are ranked according to the degree of adverse impact on the efficiency of the service that an unsuitable person could cause. Every position where the incumbent has access to or the responsibility for AIS facilities, systems, or activities must be designated at a risk level commensurate with the responsibilities and other attributes of the position based on the extent to which an incumbent could cause damage to an AIS or realize significant personal gain.

b. Sensitivity Designation. Every position having national security duties must be designated at a sensitivity level necessary to ensure appropriate screening under E.O. 10450 and E.O. 12968. Sensitivity designation is based on an assessment of the degree of damage that an individual occupying a particular position could cause to the national security.

301. RESPONSIBILITY FOR POSITION DESIGNATIONS. The operating office, working with the SSE and other management officials, is responsible for designating the risk or sensitivity levels of every contractor position within its jurisdiction. SSE's are responsible for authorizing contractor position risk and sensitivity level designations. Designations may be by class, group, or categories of positions, when appropriate, or may be by an individual position when circumstances warrant doing so. ACO-300 will work with field SSE's and headquarters offices and services as necessary to ensure uniform designations for positions common in more than one region or center. Refer to Order 1600.73, chapter 3, for minimum risk and sensitivity level requirements and the procedures for determining risk and sensitivity levels.

302. RISK LEVELS. There are three position risk levels:

a. High Risk. These are public trust positions that have the potential for *exceptionally serious* impact involving duties especially critical to the agency or a program mission with broad scope of policy or program authority. This level includes positions that have *major* program responsibilities affecting AIS.

b. Moderate Risk. These are public trust positions that have the potential for *moderate to serious* impact involving duties of considerable importance to the agency or program mission with significant program responsibilities and delivery of customer

services to the public. This level includes positions that have *significant* program responsibilities which affect large AIS.

c. Low Risk. These are positions that have potential for impact involving duties of *limited* relation to the agency mission with program responsibilities that affect the efficiency of the service. This level includes positions that have limited impact on AIS.

303. SENSITIVITY LEVELS. There are three levels for designating the sensitivity of positions with regard to the national security:

a. Special-sensitive (SS). These are positions involving the highest degree of trust that require access, or afford ready opportunity to gain access, to any information which is controlled under a Special Access Program as Sensitive Compartmented Information (SCI).

b. Critical-sensitive (CS). These are positions with the potential for causing *serious to exceptionally grave damage* to the national security and that require access, or afford ready opportunity to gain access, to Secret or Top Secret classified information and material as described in E.O. 12958.

c. Noncritical-sensitive (NCS). These are positions with the potential for causing up to *serious damage* to the national security and that require access, or afford ready opportunity to gain access, to information classified up to the Secret level as described in E.O. 12958.

304. DESIGNATION GUIDELINES. Operating offices, in consultation with the SSE's, will use the position risk/sensitivity level designation process outlined in Order 1600.73, chapter 3, to ensure contractor positions are designated uniformly and consistently. This process includes the criteria for designating risk levels based on AIS duties and responsibilities.

a. All contractor positions requiring access to classified information are sensitive and will be designated at one of the three sensitivity levels specified under paragraph 303 of this order. These positions, particularly those requiring Top Secret or SCI access, can frequently be designated at the appropriate sensitivity level without applying the more detailed procedures outlined in Order 1600.73, chapter 3. However, if the duties and responsibilities of a sensitive position would warrant designation as a high-risk position, the position *must* be designated at least critical-sensitive, even if the level of access required is no higher than Secret.

b. In many cases, particularly at the low-risk level, position risk is relatively clear and it may not be necessary to apply all of the specific designating procedures outlined in Order 1600.73, chapter 3. Similarly, essentially identical positions may require only occasional case-by-case analysis.

305. DOCUMENTING POSITION RISK/SENSITIVITY LEVEL DESIGNATIONS.

a. Position risk and sensitivity level designations for contractor employees will be recorded on FAA Form 1600-77. A blank form is contained in Order 1600.73, appendix 2, and instructions for completing the form accompanied by a sample completed form are contained in Order 1600.73, chapter 3. Each contracting office, logistics management division, or real estate contracting office will maintain all original forms completed for contractor employee positions within their area of responsibility. The SSE should retain copies of these completed, approved forms when available in hard copy format. (Note: Since the FAA's procurement process is largely automated, all documents associated with each contract may be maintained electronically by the responsible contracting or logistics office.)

b. The following codes for position risk and sensitivity levels are required Governmentwide for Federal positions; therefore, these codes will be used on all contractor employee documentation. AIS positions will be identified by the letter "C" after the numerical code.

RISK/SENSITIVITY LEVEL	CODE
High risk	6
Moderate risk	5
Special-sensitive	4
Critical-sensitive	3
Noncritical-sensitive	2
Low risk	1

306.-399 RESERVED.

CHAPTER 4. INVESTIGATIVE REQUIREMENTS

400. INTRODUCTION. This chapter prescribes the FAA's minimum investigative requirements and exceptions to those requirements for contractor employee positions. The position risk or sensitivity level, and in some cases the security clearance required of a person holding the position, govern the type of investigation required. Refer to: 1) chapter 2 for policy regarding the initiation of required investigations; 2) chapter 3 for policy regarding designation of position risk and sensitivity levels; and 3) Order 1600.73, Contractor and Industrial Security Program Operating Procedures, for specific procedures involved in implementing and/or completing those actions.

401. TYPES OF BACKGROUND INVESTIGATIONS. The following investigations conducted by the Office of Personnel Management (OPM) apply to FAA's Contractor and Industrial Security Program.

a. Standard initial investigations:

- (1) Fingerprint Check.
- (2) National Agency Check (NAC).
- (3) National Agency Check and Inquiries (NACI).
- (4) National Agency Check, Law Enforcement, and Credit (NACLCL).
- (5) Minimum Background Investigation (MBI).
- (6) Limited Background Investigation (LBI).
- (7) Background Investigation (BI).
- (8) Single Scope Background Investigation (SSBI).
- (9) Reimbursable Suitability/Security Investigation (RSI).

b. Reinvestigations:

- (1) Periodic Reinvestigation (PRI).
- (2) Periodic Reinvestigation for Single Scope Background Investigation (SSBI-PR).

c. Upgrade investigations:

- (1) SGI - upgrade a BI to an SSBI.

- (2) BGI - upgrades an LBI to a BI.
- (3) LGI - upgrades an MBI to an LBI.

d. Update investigations:

- (1) SDI - updates an SSBI.
- (2) BDI - updates a BI.
- (3) LDI - updates an LBI.

402. INVESTIGATIVE SCOPE. The scope of each investigation identified above is outlined in Appendix 1, Glossary, with the exception of the upgrade and update investigations. At a minimum, all investigations cover the most recent 3 years of a person's life. These investigations will not normally extend back beyond a person's 16th birthday unless necessary to obtain a minimum of 3 years of coverage or to resolve an issue.

a. Upgrade investigations. The scope of these investigations is determined by the type of investigation each is being upgraded to. For example, when upgrading a BI to an SSBI, OPM must reaccomplish the items conducted during the BI in order to obtain the 10-year coverage required by the SSBI and must conduct a search of the person's birth records.

b. Update investigations. The type of investigation that is being updated determines the scope of these investigations. For example, the items covered in a BI would still be covered in the BDI, but the *period* of coverage would be dictated by the amount of time that has passed since the BI was completed not to exceed 5 years.

c. Expanded Coverage. OPM will expand a background investigation in scope and coverage as necessary to resolve an issue.

d. Extra Coverage. There may be circumstances under which additional coverage may be required in order to ensure sufficient information upon which to base a suitability determination. SSE's may request any of these extra coverage items and may negotiate with OPM for other special coverage, if warranted by the position or by known suitability issues. To meet the extra requirements, OPM investigators will include additional questions concerning the subject of the investigation when conducting personal interviews and/or conducting additional records search as requested.

(1) Managerial/supervisory attributes, which include ability to speak and write clearly and concisely; scope, quality, and extent of supervisory experience; ability to get people to work together effectively; resourcefulness; initiative; adaptability; judgment; discretion; ability to cooperate with coworkers, supervisors, and subordinates; and possible conflicts of interest.

(2) Public contact attributes, which include ability to meet and deal with all types of people, diplomacy, tact, personal appearance, and speaking ability.

(3) Law enforcement attributes, which include ability to react to emergencies and conditions of stress, maturity, stability, judgment, and discretion.

(4) Foreign travel and diplomacy attributes, which include ability to represent the U.S. Government favorably; ability to meet and deal successfully with foreign nationals; ability to adjust to a foreign environment; and whether there are any prejudices, defects in judgment, personal problems, traits, or weaknesses which might discredit the United States should the person be required to travel to a foreign country on behalf of the FAA. (Refer to FAA Order 1600.61A, Foreign Travel Briefing and Contact Reporting Requirements for FAA and Contractor Employees.)

403. INVESTIGATIVE REQUIREMENTS. Contractor employees having comparable exposure to FAA facilities, sensitive information, and/or resources will be subject to the same investigative requirements as FAA employees, based on the risk level of their positions, except for the low-risk positions identified below. At a minimum, no contractor employee may begin work until the SSE has received all necessary investigative forms, resolved any issues, and provided written notice to the contracting office authorizing the contractor employee to begin work. (Refer to Order 1600.73, appendix 2, for sample written authorizations.)

a. High-risk positions. All contractor employees in these positions will be subject to an initial BI and a reinvestigation every 5 years or upon renewal of the contract, whichever is greater but not to exceed 5 years. This investigation will be completed and favorably adjudicated before the employee is allowed to perform the duties of the position, unless a determination is made under the requirements stipulated in chapter 6, paragraph 602 of this order. Refer to Order 1600.73, chapter 4, paragraph 402a, for specific requirements that also apply to high-risk positions established for given circumstances.

b. Moderate-risk positions. All contractor employees in these positions will be subject to at least an NACI investigation. Refer to Order 1600.73, chapter 4, paragraph 402b, for specific requirements that also apply to moderate-risk positions established for given circumstances.

(1) Whenever possible, the NACI should be completed and favorably adjudicated prior to commencement of work by the contractor employee, unless a determination is made under the requirements stipulated in paragraph 602.

(2) When there is evidence that a contract air traffic controller has had prior military service, the person's name, branch of service, date and place of birth, social security number, and separate service number, if applicable, will be sent to the FAA representative at the National Personnel Records Center, St. Louis, Missouri. The FAA representative will review the person's military records and provide the results to the requesting SSE.

c. Positions in the Office of the Associate Administrator for Civil Aviation Security (ACS). An LBI will be the minimum investigative requirement for all contractor employees filling security positions within ACS and subordinate offices, unless access to classified information is required. The LBI will be completed and favorably adjudicated prior to commencement of work by the contractor employee, unless a determination is made under the requirements stipulated in paragraph 602 of this order. Refer to Order 1600.73, chapter 4, paragraph 402c, for specific requirements that also apply to these positions established for given circumstances.

d. Low-risk positions. Except as otherwise specified in paragraphs 403e-h and j-l, the minimum investigative requirement for contractor employees in low-risk positions is a fingerprint check.

e. Critical-area low-risk positions. The minimum investigative requirement for contractor employees in these positions will be an NACI. The categories of positions affected *may* include air traffic control, critical AIS, AIS penetration testing, weapon carrying, communications, and those located in or having access to sensitive areas and security offices (this refers to support positions within security offices and does *not* refer to actual security positions). Whenever possible, the investigation should be completed and favorably adjudicated prior to commencement of work by the contractor employee, unless a determination is made pursuant to paragraph 602 of this order. Refer to Order 1600.73, chapter 4, paragraph 402e, for specific requirements that may also apply to these positions established for given circumstances.

f. Fiduciary low-risk positions. The minimum investigative requirement for contractor employees who perform fiduciary duties or support FAA positions with fiduciary responsibilities is an NACI and a credit check. Credit checks will be conducted at least once every 5 years or upon renewal of the contract, whichever is greater, regardless of other investigative requirements that may apply. Refer to Order 1600.73, chapter 4, paragraph 402e, for specific requirements that also apply to these positions established for given circumstances. The positions affected by this requirement include, but are not limited to, contracting officers (CO), contract specialists, cashiers, and other positions:

(1) Whose major responsibility involves the authority or ability to obligate, control, or expend public money or items of monetary value; or

(2) That support Federal employees in positions whose major responsibility involves the authority or ability to obligate, control, or expend public money or items of monetary value.

g. Noncritical area low-risk AIS positions. The minimum investigative requirement for these positions including, but not limited to, supply contractors and/or contractors who provide computer hardware, software, and/or services or supplies including commercial-off-the-shelf (COTS) computer hardware, software, and/or services, that are filled by contractor employees will be a fingerprint check, unless

exempt in accordance with the requirements stipulated in paragraphs 403i and 409 of this order. However, the investigative requirements may vary based on the position risk level, length of the contract or other agreement, nature and extent of access to sensitive FAA information, resources and AIS, and whether such access will be escorted or unescorted. Refer to Order 1600.73, chapter 4, paragraph 402g, for specific requirements that may also apply to these positions established for given circumstances.

h. Escort positions (low-risk). When contractor employees are used to escort other contractor employees, the minimum investigative requirement will be an NACI. The NACI will be completed and favorably adjudicated before the contractor employee can perform the escort duties. The interim suitability determination requirements specified in paragraph 602 may not be applied to these positions.

i. Temporary positions. Contractor employees in low-risk positions that are intermittent, seasonal, per diem, or temporary and who do not work on or provide services or materials under an FAA contract in excess of 180 days in either a single assignment or a series of assignments *may* be exempt from any investigative requirement. ***The 180-day rule is not calculated on a 24-hour clock. The “180 days” refers to days within a calendar year, regardless of how many hours in a given day the contractor employee actually works. For example, if a contractor employee works one hour each day or one hour three days per week, each day in which the contractor employee works regardless of how many hours represents one day.*** The categories of positions may include COTS contractors and supply contractors. This does not preclude the SSE from investigating the person under the normal investigative requirements if it is determined that the contractor employees will require access to sensitive FAA information, resources and AIS, and/or unescorted access to FAA facilities. All contractor employees determined to be exempt from any investigative requirement must be escorted in accordance with the requirements outlined in paragraph 410.

j. Construction workers. Investigative requirements for these low-risk positions will vary depending on the location and type of construction. Construction workers employed longer than 180 days will have, at a minimum, a fingerprint check. However, in determining whether or not to conduct *any* investigation of these employees, the SSE and the operating office will consider the work site location, type of construction to be performed, and the extent of the contractor employee’s access, particularly unescorted access, to FAA facilities, sensitive information, and/or resources. This does not preclude the SSE from investigating the person under the normal investigative requirements if it is determined that a construction work will require access to sensitive FAA information, resources, and AIS, and/or unescorted access to FAA facilities. All construction workers whose access will not exceed 180 days and for whom a determination has been made that they will be exempt from any investigative requirement pursuant to paragraph 403i must be escorted in accordance with the requirements outlined in paragraph 410.

k. Delivery personnel and repair technicians. Delivery personnel and repair technicians, such as water, vending machine, Federal Express, and United Parcel Service delivery persons, copier repair technicians, etc., are low-risk positions. The investigative requirements will vary depending on the length of the contract, extent of access to FAA

facilities, sensitive information, and/or resources, and whether or not these persons will be escorted. When it is determined that a delivery person or repair technician is exempt from investigation because their access to FAA facilities, sensitive information, and/or resources will be minimal, they will be escorted in accordance with the requirements outlined in paragraph 410.

1. Contract janitorial, construction, maintenance, property management, and repair workers (low-risk positions) in leased facilities.

(1) When FAA occupies a GSA-leased facility and GSA has contracted for janitorial, construction, maintenance, property management, or repair work, GSA is responsible for conducting background investigations on these workers unless they are exempt pursuant to paragraph 403i. GSA will make the suitability determinations and provide written notification to FAA listing the names of the cleared workers.

(a) The minimum investigative requirement will be a fingerprint check.

(b) Workers who are exempt pursuant to paragraph 403i must be escorted in accordance with the requirements outlined in paragraph 410.

(2) When FAA occupies a GSA-leased facility and has delegated authority to contract for janitorial, construction, maintenance, property management, or repair work, FAA will be responsible for conducting the background investigations and making the suitability determinations on these workers unless they are exempt in accordance with paragraph 403i.

(a) The minimum investigative requirement will be a fingerprint check.

(b) Workers who are exempt pursuant to paragraph 403i must be escorted in accordance with the requirements outlined in paragraph 410.

(3) When FAA occupies a GSA-leased facility where under the lease agreement the lessor provides janitorial, construction, maintenance, property management, or repair services and the FAA has not been delegated investigative authority, GSA is responsible for conducting the background investigations on these workers unless they are exempt pursuant to paragraph 403i. GSA will make the suitability determinations and provide written notification to FAA listing the names of the cleared workers. The lessor (owner or owner's representative) is responsible for providing all necessary information and investigative forms to GSA on the contract workers providing these services.

(a) The minimum investigative requirement will be a fingerprint check.

(b) Workers who are exempt pursuant to paragraph 403i must be escorted in accordance with the requirements outlined in paragraph 410.

(4) When FAA occupies a direct lease facility and FAA contracts separately for janitorial, construction, maintenance, property management, or repair work, under the

lease agreement FAA will be responsible for conducting the background investigations and making the suitability determinations on such workers unless they are exempt pursuant to paragraph 403i.

(a) The minimum investigative requirement will be a fingerprint check.

(b) Workers who are exempt pursuant to paragraph 403i must be escorted in accordance with the requirements outlined in paragraph 410.

(5) When FAA leases from a lessor a facility that includes janitorial, construction, maintenance, property management, or repair services, contracted for by the lessor, FAA will be responsible for conducting the background investigations on these workers unless they are exempt pursuant to paragraph 403i. FAA will make the suitability determinations. The lessor will ensure the contract workers providing these services submit all required investigative forms and any requested information to the FAA within 10 days, but not more than 30 days, of the lease commencement date.

(a) The minimum investigative requirement will be a fingerprint check.

(b) Workers who are exempt from investigation pursuant to paragraph 403i must be escorted in accordance with the requirements outlined in paragraph 410.

404. SPECIAL CIRCUMSTANCE INVESTIGATIVE REQUIREMENTS. The FAA often occupies facilities that are occupied by one or more other tenants. Some of these tenants may have separate, ground-floor entrances and some may access their space by passing through FAA or public spaces.

a. There is currently no requirement or provision for the processing of other Government agency personnel, private industry concerns, or tenants such as credit unions or cafeterias located in facilities also occupied by the FAA but that are not on the FAA payroll and do not occupy FAA space.

b. When FAA occupies facilities that are occupied by one or more other tenants such as a credit union or cafeteria where these tenants have separate access to their occupied space, no personnel employed by these tenants will be issued FAA badges or building passes or will be allowed access to FAA-occupied space without escort.

c. When FAA occupies facilities that are occupied by one or more other tenants such as a credit union or cafeteria where these tenants have internal access to and/or must pass through FAA-occupied space to access their occupied space, no personnel employed by these tenants will be issued FAA badges or building passes. No security screening will be conducted on these persons unless the FAA negotiates specific provisions for conducting such screenings with the lessor and the provisions are included in the contract or other agreement between the lessor and the tenant(s). The responsible RECO must negotiate with the lessor for inclusion of the

specific requirement to conduct security screenings on other tenants who must pass through FAA-occupied space to access their space in the lease agreement. The RECO and operating office must then ensure that no persons enter FAA space until authorized to do so by the SSE. Such authorization must be in writing in accordance with paragraphs 410 and/or 602.

405. INVESTIGATIVE REQUIREMENTS FOR ACCESS TO CLASSIFIED INFORMATION. As stated in chapter 1, the Department of Defense (DOD) through the Defense Security Service (DSS) conducts the background investigations on all contractor employees who require access to classified information. The SSE is not required to make investigative, final suitability, or security determinations on such contractor employees. However, all SSE's should be familiar with the investigative requirements and the processes involved in granting contractor employees security clearances for access to classified information. The investigative requirements for access to classified information by contractor employees parallel the requirements for comparable FAA Federal employee positions.

a. Special-sensitive positions. The minimum investigative requirement for a contractor employee in a special-sensitive position requiring access at the SCI level is an SSBI. The investigation must be completed, evaluated, and favorably adjudicated for both suitability and security *before* the person can be authorized to begin work. The interim suitability determination provisions under paragraph 602 may *not* be applied to these positions. However, the person *cannot* have access to any classified information until the SSE receives notification from DOD that a security clearance has been granted and the contractor employee receives the required security briefing and signs SF 312, Classified Information Nondisclosure Agreement. Refer to Order 1600.73, chapter 4, paragraph 404a, for additional requirements that apply to special-sensitive positions established for given circumstances.

b. Critical-sensitive positions. The minimum investigative requirement for a contractor employee in a critical-sensitive position is a BI for access up to the Secret level and an SSBI for access up to the Top Secret level. The investigation must be completed, evaluated, and favorably adjudicated for both suitability and security *before* the person can be authorized to begin work. The interim suitability determination provisions under paragraph 602 may *not* be applied to these positions. However, the person *cannot* have access to any classified information until the SSE receives notification from DOD that a security clearance has been granted and the contractor employee receives the required security briefing and signs an SF-312. Refer to Order 1600.73, chapter 4, paragraph 404b, for additional requirements that apply to critical-sensitive positions established for given circumstances.

c. Noncritical-sensitive positions. The minimum investigative requirement for a contractor employee in a noncritical-sensitive position that does not require access up to the Secret level is an NACLIC unless otherwise specified in this order. If the position requires access up to the Secret level, the minimum investigative requirement is a BI. The investigation must be completed, evaluated, and favorably adjudicated for both

suitability and security *before* the person can be authorized to begin work. The interim suitability determination provisions under paragraph 602 may *not* be applied to these positions. When the position requires access to classified information, the person *cannot* have access to any classified information until the SSE receives notification from DOD that a security clearance has been granted and the contractor employee receives the required security briefing and signs an SF-312. Refer to Order 1600.73, chapter 4, paragraph 404c, of this order for additional requirements that apply to nonsensitive positions established for given circumstances.

406. INVESTIGATIVE REQUIREMENTS FOR AIS ACCESS. A person has AIS access when he or she can exercise privileges to read and/or write information or other data electronically stored or processed in a digital format. Contractor personnel security is an integral part of AIS security in order to ensure sufficient protection for the systems and their data. Because of the nature of AIS and the ease with which large amounts of data can be retrieved, manipulated, and deleted, access requirements are in some cases more stringent than for the same level of data contained in records systems outside AIS.

a. Positions requiring Level I AIS access. AIS Access Level I is the authorization to read or write classified information or data electronically stored in a digital format. The minimum investigative requirement is dictated by the position sensitivity level and the level of security clearance required. Refer to paragraph 405a, b, or c of this order and Order 1600.73, chapter 4, paragraph 404, to determine specific investigative requirements.

b. Positions requiring Level II AIS access. AIS Access Level II is the authorization to read or write sensitive and/or Privacy Act information or data electronically in a digital format. The minimum investigative requirement will be a fingerprint check or an NACI as dictated by the position risk or sensitivity level. If the position is deemed a critical-area position, the minimum investigative requirement will be an NACI. Refer to paragraphs 403e and g for additional requirements that may apply to these positions.

c. Positions requiring Level III AIS access. AIS Access Level III is the authorization to read or write unclassified and nonsensitive information or data electronically stored in a digital format. The minimum investigative requirement for these positions will be a fingerprint check. If the position is deemed a critical-area position, the minimum investigative requirement will be an NACI. Refer to paragraphs 403e and g for additional requirements that may apply to these positions.

407. INVESTIGATIVE REQUIREMENTS FOR FOREIGN NATIONALS AND IMMIGRANT ALIENS AS CONTRACTORS.

a. Unclassified contracts. Foreign nationals and immigrant aliens *may* work as contractor employees under *unclassified* FAA contracts with access to FAA facilities, information, and/or resources under other agreements to which the FAA is a party.

(1) Such access may only be granted if:

(a) A risk or sensitivity level designation can be made for the position;

(b) The individual has resided within the United States for 3 consecutive years of the last 5 years, unless a waiver of this requirement is requested and approved by ACS-1 prior to contract award in accordance with paragraph 409b(3); and

(c) The appropriate security screening can be adequately conducted.

(2) The minimum investigative requirement for foreign nationals and immigrant aliens who work on or provide services or supplies under an FAA contract will be dictated by the position risk level. If the foreign national and/or immigrant alien has not resided within the United States for a minimum of 3 consecutive years of the last 5 years, the security screening must include overseas coverage to the fullest extent practicable in order to meet the minimum 3 years of coverage (refer to paragraph 402). If the foreign national or immigrant alien has not resided in the United States for 3 consecutive years of the last 5 years and it is impractical to conduct a security screening that includes overseas coverage due to a low position level, a waiver must be requested and approved by ACS-1 prior to contract award before the foreign national or immigrant alien can be used.

(3) The interim suitability requirements pursuant to paragraph 602 may not be applied, unless the position is low risk and/or temporary and/or is *not* a critical-area position.

(4) In any situation where the operating office and/or the SSE determines that it is in the best interest of the FAA to restrict access or work under a contract to United States citizens only, the appropriate contract or other agreement will contain a clause specifying that restriction. In determining whether or not to apply this restriction in a given situation, the CO, logistics management specialist (LMS), RECO, and operating office, in consultation with the SSE, will consider the nature and extent of access, particularly in regard to sensitive, proprietary, and classified information

(5) The contracting and operating offices will determine whether to continue with a contract requiring foreign national or immigrant alien contractor employee participation if the foreign national or immigrant alien is found to be unsuitable.

b. Classified contracts. Foreign nationals and immigrant aliens may *not* have access to classified information or work as contractor employees under *classified* FAA contracts unless there are compelling reasons in furtherance of FAA's mission and an appropriate security screening can be completed. A foreign national or immigrant alien who possesses a special expertise that is unobtainable elsewhere may, at FAA's discretion, be granted limited access to classified information only for a specific program, project, or contract, license, certificate, or grant for which there is a need for such access. (Reference: E.O. 12968, Section 2.6.)

(1) The minimum investigative requirement will be a BI that includes overseas coverage to the fullest extent practicable.

(2) If access to Top Secret classified information is required, the minimum investigative requirement will be an SSBI.

(3) The interim suitability requirements pursuant to paragraph 602 may *not* be applied.

(4) The security clearances are granted by DSS. The contractor is responsible for ensuring all appropriate investigative forms are submitted to DSS and must provide written notification to the SSE, and CO, LD, or RECO when DSS has granted the required security clearance.

(5) Foreign nationals will *not* be eligible for access to any greater level of classified information than the U.S. Government has determined may be releasable to the country of which the individual is currently a citizen and such limited access may be approved *only* if the prior 10 years of the subject's life can be adequately investigated.

408. PERIODIC REINVESTIGATION REQUIREMENTS. Periodic reinvestigation requirements for contractor employees are:

a. Contractor employees with security clearances. These investigations are monitored, controlled, conducted, and adjudicated by DSS.

(1) An SSBI-PR will be conducted on contractor employees in special-sensitive positions, holding a Top Secret clearance, within 5 years from the date of the last SSBI, SGI, SDI, or SSBI-PR.

(2) A PRI will be conducted on contractor employees in critical-sensitive positions, within 5 years from the date of the last BI, BGI, BDI, or PRI.

(3) An NACLIC will be conducted on contractor employees in critical-sensitive positions holding a Secret clearance, within 10 years from the date of the last investigation or reinvestigation.

b. Contractor employees who do *not* hold security clearances. A PRI will be conducted on contractor employees in high-risk positions within 5 years from the date of the last BI, BGI, BDI, or PRI. The SSE will review the contractor security file as part of the PRI.

409. EXEMPTIONS AND EXCEPTIONS.

a. Exemption of the investigative requirements. The SSE may grant approval for a contractor employee to work or provide services or supplies under an FAA contract without conducting a background investigation or fingerprint check if the position meets the requirements stipulated in paragraphs 403g and i-l and the operating office has completed an FAA Form 1600-77 that clearly identifies that the position meets the exemption requirements. Those requirements are:

- (1) The position is low-risk and intermittent, seasonal, per diem, or temporary;
- (2) The work, services, and/or delivery of supplies under an FAA contract will not exceed 180 days total in either a single assignment or a series of assignments in a calendar year; and
- (3) The contractor employee will *not* have access or be allowed access to FAA facilities, sensitive information, and/or resources; or
- (4) The contractor employee will be escorted at all times by an FAA Federal employee or an appropriately cleared contractor employee in accordance with the requirements stipulated in paragraph 410; and
- (5) The exemption is fully supported by the FAA Form 1600-77 for the position and the form has been approved by the SSE.

b. Exceptions to the residency requirement.

- (1) Persons applying for contractor employee positions under contracts within the United States who worked in a foreign country for the U.S. Government in a Federal position or as a member of one of the branches of the U.S. military are exempt from the requirement to have resided in the United States for 3 consecutive years of the last 5 years. This exception must be fully supported by the FAA Form 1600-77 for the position.
- (2) Foreign nationals applying for contractor employee positions at FAA locations overseas are exempt from the requirement to have resided in the United States for 3 consecutive years of the last 5 years. This exception must be fully supported by the FAA Form 1600-77 for the position.
- (3) Foreign nationals and immigrant aliens applying for positions under contracts within the United States who are not exempt from the investigative requirements under paragraphs 403i-1 may be granted a waiver of the requirement to have resided in the United States for 3 consecutive years of the last 5 years provided the operating office submits a request in writing to and it is approved by ACS-1 prior to contract award. This exception must be fully documented on the FAA Form 1600-77 for the position.

410. ESCORT REQUIREMENTS.

a. When the SSE has determined that contractor employees or other persons by agreement are exempt from any investigative requirement pursuant to paragraphs 403i-1, those contractor employees or other persons must be escorted at all times by FAA personnel or by contractor personnel, who have been appropriately investigated, favorably adjudicated, and authorized to provide escort, while on FAA premises and having access to FAA facilities, sensitive information, and/or resources. The escort must

keep the escort-required contractor employee or other person in plain view at all times and must be constantly aware of the contractor employee's or other person's actions.

b. The minimum investigative requirement for contractor employees utilized as an escort are outlined in paragraph 403h.

411. STANDARDS FOR USING PREVIOUS INVESTIGATIONS.

a. As indicated in paragraph 403 of this order, some contractor employees may have already been investigated by another Federal agency. SSE's will use these investigations whenever practicable to reduce the number of investigation requests, associated costs, and unnecessary delays. The following standards for use of these investigations will apply. Refer also to Order 1600.73, chapter 4, paragraphs 402 and 406, for additional information regarding the use of these investigations and for instructions on how to obtain copies.

(1) Any investigation conducted by or for another Federal agency on a contractor employee that is of the *same type and scope* as the one required for the position is sufficient to meet the investigative requirements provided it was conducted within the past year or that the contractor employee has had no break in employment in excess of 1 year since the investigation was completed. Except where there is substantial information indicating that an individual may not meet the suitability standards and criteria stated in chapter 5, such an investigation will be accepted by the FAA.

(2) Any investigation conducted by or for another Federal agency on a contractor employee that is a level *higher* than that required for the position is sufficient to meet the investigative requirements provided it was conducted within the past year or that the contractor employee has had no break in employment in excess of 1 year since the investigation was completed. Except where there is substantial information indicating that an individual may not meet the suitability standards and criteria stated in chapter 5, such an investigation will be accepted by the FAA.

(3) Any investigation conducted by or for another Federal agency on a contractor employee whose scope is *less* than that required for the position can be upgraded as provided for by OPM to meet the investigative requirements of the position if it was conducted within the past year and the contractor employee has had no break in employment in excess of 1 year since the investigation was completed. Except where there is information indicating that an individual may not meet the suitability standards and criteria stated in chapter 5, such an investigation will be accepted by the FAA in conjunction with an upgraded investigation.

b. SSE's must be alert when reviewing investigative forms to any information indicating that a contractor employee may have had a previous investigation.

c. When a previous investigation is readily available, the SSE will obtain and review it prior to authorizing the contractor employee to begin work, unless a

determination is made pursuant to paragraph 602. If a determination is made pursuant to paragraph 602, then the SSE will obtain and review the investigation prior to making a final suitability determination.

d. If a previous investigation is not readily available, the SSE will obtain as much information as possible about it before authorizing the contractor employee to begin work, unless a determination is made pursuant to paragraph 602. If a determination is made pursuant to paragraph 602, then the SSE will obtain and review the investigation prior to making a final suitability determination.

e. An investigation conducted by a state or local government agency, regardless of how extensive it is, does *not* meet the investigative requirements stipulated in paragraph 403. However, such an investigation may provide useful information particularly when making determinations pursuant to paragraph 602.

412-499. RESERVED.

CHAPTER 5. CONTRACTOR AND INDUSTRIAL SECURITY ADJUDICATIVE GUIDELINES

500. APPLICATION OF ADJUDICATIVE GUIDELINES. The application of the same suitability standards and criteria to adjudications involving contractor employees and applicants as applied to the adjudications involving Federal employees and applicants ensures fair, impartial, and equal consideration in the implementation of this order.

501. RELATIONSHIP BETWEEN SUITABILITY AND SECURITY.

a. Suitability means fitness or eligibility for employment and refers to identifiable character traits and past conduct sufficient to determine whether a given individual is likely or not likely to be able to carry out the duties of a Federal job with appropriate efficiency and effectiveness. When applying these standards and criteria to the contractor environment, the focus is on whether use of the individual in a contract capacity will promote the efficiency of the Federal service. Suitability is distinguishable from a person's ability to fulfill the qualifications requirements of a job, as measured by experience, education, knowledge, skills, and abilities.

b. Security, on the other hand, relates to requirements for an individual occupying a specific position to have access to classified information. A security determination focuses on the question of whether or not access to such information is clearly consistent with the interests of the national security.

c. A security determination will usually be made subsequent to a favorable suitability adjudication. While the SSE will make the suitability determinations on contractor employees who will not require access to classified information, it will normally not be involved in making security determinations. The DSS conducts the background investigations on all contractor employees requiring access to classified information, makes the security determinations, and grants the facility and security clearances.

502. SUITABILITY STANDARD. A suitability adjudication is an assessment of past and present conduct which may indicate future actions with adverse impact on the efficiency of the service. The assessment is made to decide whether there is a reasonable expectation that the use of a person under contract or other agreement to/with the Federal agency either would or would not promote the efficiency of the service.

a. In making this determination, the adjudicator will consider whether the conduct of the person indicates a potential for behavior that would interfere with, prevent, or otherwise adversely affect:

- (1) The performance of the person in the position applied for;
- (2) The performance of the duties and responsibilities of others; or,

(3) The ability of the FAA to carry out its mandated responsibilities fully and effectively.

b. To determine the potential impact on the efficiency of the service, two issues must be considered:

(1) Whether the conduct in question indicates a potential for inadequate or reduced performance of specific duties; and,

(2) Whether the conduct indicates any immediate or long-term risk for abuse of the public trust in carrying out the responsibilities of the position.

503. SUITABILITY CRITERIA. When making a suitability determination, the adjudicator may consider any of the following reasons as a basis for finding an individual unsuitable for work or to perform or provide services or supplies under an FAA contract. A person would not be suitable for such work or to perform or provide such services or supplies when, because of these factors, the potential for adverse impact on effective performance of the person or others, or on the FAA's ability to carry out its responsibilities, is such that there is a reasonable expectation in the mind of the adjudicator that use of the person for such work or to perform or provide such services or supplies would not promote the efficiency of the service.

a. The criteria are:

(1) Misconduct or negligence in prior employment that would have a bearing on efficient service in the position in question or would interfere with or prevent the FAA from effectively accomplishing its duties and responsibilities.

(2) Criminal or dishonest conduct related to the duties of the position applied for, to the person's service in the position, or to the service of others.

(3) Intentional false statement or deception or fraud in examination or appointment.

(4) Alcohol abuse of a nature and duration that suggests that the person would be prevented from performing the duties of the position in question or would constitute a direct threat to the property or safety of others.

(5) Illegal use of narcotics, drugs, or other controlled substances without evidence of substantial rehabilitation.

(6) Knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force.

(7) Any statutory or regulatory bar that prevents the person's lawful employment in the position in question.

b. Additional Considerations. In making a suitability determination, the adjudicator will also consider the following factors to the extent he or she deems pertinent to the individual case:

(1) The kind of position for which the person is applying or in which the person is employed, including the degree of public trust or risk in the position.

(2) The nature and seriousness of the conduct.

(3) The circumstances surrounding the conduct.

(4) The recency of the conduct.

(5) The person's age at the time of the conduct.

(6) Contributing societal conditions.

(7) The absence or presence of rehabilitation or efforts toward rehabilitation.

504. SECURITY STANDARD AND CRITERIA.

a. As stated in chapter 1, paragraph 7c, the FAA has entered into an agreement with the DSS granting DSS the responsibility for conducting and adjudicating the background investigations on contractor employees and applicants, making the security determinations, and granting the facility and security clearances for the FAA.

b. The granting of access to classified information to any person must be clearly consistent with the interests of the national security as prescribed by E.O. 12968, Access to Classified Information. In making this determination, the adjudicator assesses past and present conduct and considers whether or not the granting of such access conforms to this standard. Additionally, conduct relating to any of the criteria outlined in the Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, a supplement to E.O. 12968 approved by the President on March 24, 1997, is grounds for denying access to classified information if the conduct indicates that the person would pose a risk for damage to the national security. A determination of eligibility for access to classified information is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Any doubt regarding a person's eligibility must be resolved in favor of the national security.

c. Security determinations must be made separate and apart from any suitability determination. (Reference E.O. 12968, Section 2.1)

505. COORDINATING CONTRACTOR PERSONNEL SECURITY INFORMATION.

All FAA employees, supervisors, and managers, and all contractors and contractor employees will provide the SSE with any information they become aware of that may affect the suitability of a contractor employee or applicant.

506.-599. RESERVED.

CHAPTER 6. SUITABILITY DETERMINATIONS

600. APPLICATION AND RESPONSIBILITY. A suitability determination must be made on every contractor employee for whom a security screening is deemed necessary and is processed by the FAA to work, perform services, or provide supplies under an FAA contract. This determination is made based on the application of sound adjudicative guidelines to security screenings, including background investigations, fingerprint checks, and related security information concerning contractor employees or applicants. Within FAA, SSE's are assigned all suitability adjudication authority for contractor employees applying for work or to perform or provide services or supplies under *unclassified* FAA contracts. As stated in paragraph 501a of this order, the focus of the adjudication is on whether use of a person in a contract capacity will promote the efficiency of the service. This chapter prescribes suitability determination requirements and the basic suitability adjudication process for the FAA. Detailed step-by-step procedures are outlined in Order 1600.73.

601. PROCESSING INVESTIGATIONS AND MAKING SUITABILITY DETERMINATIONS. Investigative forms completed and submitted by contractor employees may reveal information that raises questions about their suitability for employment. The SSE will initiate the required or higher-level investigation as necessary to obtain sufficient information upon which to base a suitability determination. In the event of a serious issue that may preclude use of an affected contractor employee based on the information that the contractor employee provided, the SSE may conduct a limited inquiry in an effort to quickly resolve the issue, such as obtaining court, credit, or other record information.

a. The SSE will apply the suitability standard and criteria stated in chapter 5 of this order and the procedures detailed in Order 1600.73, chapter 5, when making interim and final suitability determinations.

b. The SSE will afford all contractor employees the opportunity to respond to explain or refute any unfavorable information before the FAA uses the information as a basis for denial of suitability.

c. The SSE will coordinate with the Office of Aviation Medicine (AAM) or its regional or center Aviation Medical Division (AMD) on any reports of investigation or other information that raises a question about a contractor employee's physical or mental fitness to work or provide services or supplies in a given position under an FAA contract.

d. If a contractor employee will be filling a sensitive position requiring access to classified information, the SSE must obtain written notification from the DOD when a security clearance has been granted.

602. INTERIM SUITABILITY DETERMINATIONS. An interim suitability determination is a preliminary assessment that allowing a contractor employee to begin work or to provide services or supplies under an FAA contract prior to completion and adjudication of the requisite security screening would involve little or no risk to the security posture of the FAA and would be in the best interest of the FAA. However, these determinations are not automatic. SSE's may grant approval for a contractor employee to begin work or to provide services or supplies under an FAA contract prior to completion and adjudication of a background investigation or fingerprint check providing the following conditions have been met. The provisions of this paragraph and its subparagraphs may *not* be applied to special-sensitive, critical-sensitive, and noncritical-sensitive positions.

a. Requests for interim suitability determinations.

(1) Operating offices may request an interim suitability determination on a contractor employee if: (Refer to Order 1600.73, chapter 5, and appendix 2, for step-by-step instructions and a sample request memorandum.)

(a) A clear and compelling need for the work, services, or supplies to begin prior to completion of the required security screening exists.

(b) No significant security or suitability issues exist, including:

1. Any convictions resulting in incarceration of 1 year or more, regardless of when the conviction and incarceration occurred.

2. Any arrests or charges within the last 5 years.

3. Any drug-related arrests, regardless of when they occurred.

4. More than one arrest, regardless of when they occurred.

5. Any discharge from employment or resignation after being told he or she would be fired within the last 5 years.

(2) Requests for interim suitability determinations must be in writing and must be submitted to the SSE as soon as practicable prior to the start date. Allow a minimum of 3 weeks for processing of high-risk positions. Requests must include the following:

(a) Reason for the request; e.g., critical operational impact if the contractor employee(s) cannot be placed in the position at the present time or by a particular date.

(b) Name and social security number of each affected contractor employee.

(c) Risk or sensitivity level for each affected position.

(d) Title and location of each affected position.

(e) If the person will be filling a sensitive position, the level of security clearance required, a justification of the need for that clearance, and a statement that the person will *not* have access to classified information until the required investigation is completed and the SSE has notified the operating office that the requisite clearance has been granted.

(f) Any discharge from employment involving drug or alcohol use or a question of the applicant's integrity, regardless of when it occurred.

(3) Operating offices should *not* advise the CO, LD, or RECO of a firm starting date for any contractor employee until the SSE provides written approval or the security screening requirements have been met.

b. Interim suitability requirements. Requests for interim suitability determinations will *not* be approved until the SSE has received and reviewed all required investigative forms for each affected contractor employee, resolved any issues, and authorized the affected contractor employee to begin work in writing. In addition to these requirements, the following actions must be completed for high-risk positions. (Refer to Order 1600.73, chapter 5, and appendix 2 for step-by-step instructions for making these determinations and sample written authorizations.)

(1) Review the contractor employee's SF 85-P.

(2) Obtain and adjudicate fingerprint check results.

(3) Conduct a credit check.

(4) Conduct a check of the affected contractor employee's current or most recent former employer.

(5) If the affected contractor employee is a current or former Federal employee, review the official personnel folder (OPF) and personnel security file (PSF), if available. If the affected contractor employee is currently employed outside the SSE's area of responsibility, contact the appropriate SSE to accomplish the OPF and PSF reviews.

(6) Obtain the results of searches of the Defense Clearance and Investigations Index (DCII) and OPM's Security and Suitability Investigations Index (SII).

(7) Conduct a subject interview covering, but not limited to, past and present employment, education, and residences; arrests and convictions; use of alcohol and

illegal drugs; mental health; and financial responsibility. The affected contractor employee will also be asked if there is anything in his or her background that could raise questions of personal character or loyalty to the United States.

(8) Initiate the required investigation.

(9) The SSE may conduct appropriate local agency checks that are readily available if deemed necessary to making an interim suitability determination.

603. FINAL SUITABILITY DETERMINATIONS. SSE's will make final suitability determinations on all contractor employees in positions that do *not* involve access to classified information. The SSE will apply the suitability standard and criteria stated in chapter 5 of this order and the procedures detailed in Order 1600.73, chapter 5, when making final suitability determinations.

a. The SSE must notify the CO, LMS, or RECO in writing of all final suitability determinations.

b. Final suitability determinations will only be made after receipt, review, and adjudication of the appropriate completed background investigation or fingerprint check. Adjudication will include resolution of all issues if applicable.

c. Incomplete investigations may be adjudicated in accordance with paragraph 604 below.

604. DISPOSITION OF INCOMPLETE INVESTIGATIONS. An investigation received from OPM that is substantially complete, even if not entirely complete, may be adjudicated for suitability if the SSE determines that the outstanding portion is *not* likely to help resolve any issues or impact final adjudication. Such an investigation may be considered complete for the purpose of meeting the requirements of paragraph 602 provided there are no outstanding issues requiring resolution and all other requirements of paragraph 602 have been met.

605. DOCUMENTATION AND NOTIFICATION.

a. All interim and final suitability determinations must be clearly documented. In any case where there are serious issues, the documentation will contain a clearly written rationale stating that the use of the individual on an FAA contract would or would not promote the efficiency of the service. The SSE will maintain this record for at least 2 years from the date of the adjudication.

b. The SSE will notify the CO, LMS, or RECO, in writing, upon making a final favorable suitability determination. (Refer to Order 1600.73, appendix 2, for a sample notification.)

c. When a determination of unsuitability is made, the SSE will notify the CO, LMS, or RECO, in writing, stating the nature of the proposed action and the specific detailed reasons for it. If the SSE has found the individual unsuitable as the result of either position risk adjudication or position performance adjudication, the notification must specify that the individual has been found unsuitable for employment under any FAA contract. The notification must also include specific statements about any applicable due process rights afforded the individual.

d. In any case where the SSE proposes denial of suitability, it will maintain copies of *all* documentation pertinent to the adjudication, including letters or memorandums of proposed action; written challenges, replies, or documentation supplied by the affected contractor employee; and a written summary of any oral response. The SSE will maintain this documentation for at least 2 years from the date of the final decision.

e. The SSE will report to OPM any final adjudicative action based on an OPM report of investigation or a file OPM furnishes in response to a check of its SII. The SSE will use the appropriate investigative agency form(s) to report the action taken and will retain a copy of the form in accordance with paragraph 207c of this order. (Refer to Order 1600.73, chapter 5 and appendix 2 for step-by-step instructions and sample forms.)

606.-699. RESERVED.

CHAPTER 7. QUALITY ASSURANCE

700. INTRODUCTION. The purpose of this chapter is to establish a quality assurance program in support of the FAA Contractor and Industrial Security Program. By establishing this program, the FAA makes a formal commitment to constantly strive to increase the effectiveness and efficiency of the Contractor and Industrial Security Program.

a. The objective of any quality assurance program is to ensure that the procedures and processes of a specified program lend themselves to accomplishing the mission(s) of the program. It provides for a means of continuous review and oversight to ensure that the products and/or services performed, produced, and/or managed by a program appropriately satisfy the mission(s), meet established standards, and are consistent.

b. The primary objective of quality assurance reviews conducted on the FAA's Contractor and Industrial Security Program is to ensure that unauthorized access to and/or compromise of FAA facilities, sensitive and classified information, and resources has not occurred.

701. PROGRAM MISSION STATEMENT. This quality assurance program applies to the FAA's Contractor and Industrial Security Program. This program will ensure:

a. The FAA's contractor and industrial security policies and procedures parallel the Federal personnel security policies and procedures to the fullest extent practicable.

b. Consistent, efficient, and appropriate implementation of the laws, regulations, and procedures that govern contractor and industrial security by all responsible entities.

c. Employment of entities and/or persons under FAA contracts promotes the efficiency of the FAA and is in the best interest of national security.

702. RESPONSIBILITIES. The following subparagraphs clarify the responsibilities identified in chapter 1, paragraph 11, related to implementation of this program.

a. Office of Civil Aviation Security Operations (ACO).

(1) Review all contracts at the headquarters, regional, and center levels to ensure appropriate security clauses are included.

(2) Ensure that position risk/sensitivity designations are appropriate, approved, and documented on FAA Form 1600-77.

(3) Ensure all security screenings, including fingerprint checks and background investigations, are initiated and appropriately adjudicated, as required.

(4) Maintain a computerized data base of all contractor employees who have been investigated and the current status of each contractor employee. This data base should include, at a minimum, the name, social security number, date and place of birth, position risk/sensitivity level, type of security screening conducted, date of interim and final suitability determinations, and contract number.

(5) Conduct semiannual and unscheduled reviews of all FAA contracts at the headquarters, regional, and center levels in accordance with the procedures outlined in Order 1600.73, Chapter 7, Quality Assurance Plan, to ensure:

(a) Applicable security clauses are included, where appropriate; and

(b) Appropriate security screenings are conducted on contractor employees as required or appropriate documentation exists establishing exemption from the investigative requirements.

b. Research and Acquisitions Organization (ARA), Office of Information Services (AIO), Office of Regions and Center Operations (ARC), and Office of Civil Aviation Security (ACS). These offices will jointly design, implement, and maintain a fully integrated automated background investigation tracking system that includes, at a minimum, the following:

(1) ARA will enter the following information:

(a) Contract/agreement title/brief description if different from the company, entity, agency, or business name;

(b) Name of the company, entity, agency, or business providing the services and/or products specified in the contract;

(c) Contract/agreement number;

(d) Operating or program office identifier;

(e) Identification of the responsible CO and COTR, or responsible logistics management specialist, or responsible real estate contracting officer, as applicable;

(f) Contract/agreement start and end dates; and

(g) Total number of contractor employees who will be working or providing supplies under the contract/agreement (for whom FAA Forms 1600-77 have been completed).

(2) ACS will enter the following information:

(a) Individual contractor employee data, including date of birth, place of birth, and social security number;

(b) Type of security screening required or identification of exemption from the investigative requirements;

(c) Date of interim suitability determination (if applicable);

(d) Date of security screening initiated;

(e) Date security screening completed;

(f) Date of final suitability determination; and

(g) SSE identifier (this may be fulfilled by inclusion of the SON and/or SOI).

(3) System features:

(a) Integration with Offices of Acquisitions (ASU), Human Resources Management (AHR), and ACO automated systems;

(b) Support to the entire FAA Personnel Background Investigation process;

(c) Web-enabled;

(d) Ability to produce customized reports;

(e) Security; and

(f) No duplicate data entry.

c. Regional and center level SSE's.

(1) Review all contracts at the field level to ensure appropriate security clauses are included.

(2) Ensure that position risk/sensitivity designations are appropriate, approved, and documented on FAA Form 1600-77.

(3) Ensure all security screenings, including fingerprint checks and background investigations, are initiated and appropriately adjudicated, as required.

(4) Ensure the data on of all contractor employees is entered into the automated system developed by ARA, AIO, ARC, and ACS.

(5) Conduct semiannual and unscheduled reviews of all FAA field-level contracts in accordance with the procedures outlined in Order 1600.73, chapter 7.

(a) Review all contracts for/with AIS, AIS penetration testing, weapon carrying, fiduciary, air traffic control, and communications positions for the past fiscal year to verify that the necessary security requirements are included in these contracts.

(b) Review a representative number (as determined by ACO-300) or 20 percent of all classified and unclassified contracts with contractor security requirements at each review site. The number of *unclassified* contracts reviewed cannot be less than 25, unless the total number of these contracts is less than 25. The number of *classified* contracts reviewed cannot be less than 25, unless the total number of these contracts is less than 25.

d. ASU, regional logistics divisions, airway facilities divisions, and Offices of Acquisition Services at the Aeronautical and Technical centers.

(1) Ensure all necessary contract information is entered into the automated system developed by ARA, AIO, ACO, and ACS.

(2) Provide a listing of all current FAA contracts containing work, services, and/or duties performed or provided by, and supplies to be provided by contractor employees to the SSE's quarterly and upon request.

(3) Develop and conduct training and/or informational briefings applicable to the Contractor and Industrial Security Program in coordination and partnership with ACS, contracting officers, logistics management specialists, real estate contracting officers, and operating offices.

(4) Ensure all appropriate security provisions and clauses are included in all solicitations and contracts, where applicable.

(5) Assist ACO and field SSE's in conducting the quality assurance reviews identified below in accordance with the procedures outlined in Order 1600.73, chapter 7.

(a) Review all contracts for/with AIS, AIS penetration testing, weapon carrying, fiduciary, air traffic control, and communications positions for the past fiscal year to verify that the necessary security requirements are included in these contracts.

(b) Review a representative number (as determined by ACO-300) or 20 percent of all classified and unclassified contracts with contractor security requirements at each review site. The number of *unclassified* contracts reviewed cannot be less than

25, unless the total number of these contracts is less than 25. The number of *classified* contracts reviewed cannot be less than 25, unless the total number of these contracts is less than 25.

e. Office of Civil Aviation Security Policy and Planning (ACP).

(1) Develop and maintain FAA orders applicable to the Contractor and Industrial Security Program in coordination with ACO, ASU, the SSE's and other FAA elements, as appropriate.

(2) Assist ASU, regional logistics divisions, airway facilities divisions, Offices of Acquisition Services at the Aeronautical and Technical Centers, and ACO in developing and conducting training and/or informational briefings applicable to the Contractor and Industrial Security Program.

(3) Provide guidance to ACO, ASU, regional logistics divisions, airway facilities divisions, and Offices of Acquisition Services at the Aeronautical and Technical Centers, upon request.

703. REVIEW CRITERIA.

- a. Contracts are reviewed to ensure appropriate security clauses are included.
- b. Security screenings are conducted on contractor employees as required.
- c. Position risk/sensitivity levels entered into electronic data bases match those identified on FAA Form 1600-77.
- d. Procedures have been established for the review of investigative forms and are effective in ensuring completeness.
- e. Followup information is collected expeditiously and issues are resolved prior to approval of interim suitability determination requests.

704. REPORTING REQUIREMENTS. ACO and regional and center SSE's will report the results of each quality assurance review conducted in writing to ARA and/or ARC, as appropriate, in accordance with the procedures outlined in Order 1600.73, chapter 7.

705 - 799. RESERVED.

APPENDIX 1. GLOSSARY

ACCESS. The ability to physically enter or pass through an FAA area or facility; or having the physical ability or authority to obtain FAA sensitive information, materials, or resources; or the ability to obtain FAA sensitive information by technical means including the ability to read or write information or data electronically stored or processed in a digital format such as on a computer, modem, the Internet, or a local- or wide-area network (LAN or WAN). When used in conjunction with classified information, access is the ability, authority, or opportunity to obtain knowledge of such information, materials, or resources.

AUTOMATED INFORMATION SYSTEM (AIS). An assembly of computer or telecommunications equipment, facilities, personnel, software, and procedures configured for the purpose of communicating, storing, calculating, computing, summarizing, or retrieving data and information with a minimum of human intervention.

a. General Purpose. An interconnected set of information resources that share a common functionality under the same direct management control, including software, host computers, and networks that provide support for a variety of users and applications.

b. Special Purpose. Computer or telecommunications systems that require special management attention because of their importance to the agency's mission; their high maintenance, development, or operating costs; or their significant role in dealing with the agency's programs, finances, property, or other resources.

AIS ACCESS LEVEL I. Authorization to read or write classified information or data electronically stored in a digital format.

AIS ACCESS LEVEL II. Authorization to read or write sensitive and/or Privacy Act information or data electronically stored in a digital format.

AIS ACCESS LEVEL III. Authorization to read or write unclassified and nonsensitive information or data electronically stored in a digital format.

BACKGROUND INVESTIGATION. A general term referring to any investigation conducted on an individual to meet personnel, contractor, or industrial security program requirements. This term is not normally abbreviated and does not refer to a specific type of investigation such as the term defined below.

BACKGROUND INVESTIGATION (BI). Searches of the Office of Personnel Management's (OPM) Security and Suitability Investigations Index (SII), the Defense Clearance and Investigations Index (DCII), the Federal Bureau of Investigation's (FBI) Identification Division, and FBI's Records Management Division; a credit search; personal interviews of the subject and sources; written inquiries; record searches covering specific areas of a person's background during the most recent 5 years; and additional record searches during the most recent 7 years.

CLASSIFIED CONTRACT. Any contract, purchase order, consulting agreement, lease agreement, interagency agreement, memorandum of agreement, or any other agreement between the FAA and another party or parties that requires the release or disclosure of classified information to the contractor and/or contractor employees in order for them to perform under the contract or provide the services or supplies contracted for.

CLASSIFIED INFORMATION. Official information or material that requires protection in the interest of national security and is labeled or marked for such purpose in accordance with the provisions of Executive Order 12958, Classified National Security Information.

COMMERCIAL-OFF-THE-SHELF (COTS). For purposes of this and all related orders, the term COTS as it refers to hardware, software, and services used by the FAA is defined below and is interchangeable with terms such as “commercially available,” “commercial component(s),” “commercial product(s),” and “commercial item.”

- Any item, other than real property, that is of a type customarily used by the general public that has been sold, leased, or licensed or has been offered for sale, lease, or license to the general public.

- Any item that evolved from an item described in paragraph a through advances in technology or performance that is not yet available in the commercial marketplace, but may be made available in time to satisfy the delivery requirements of a Government solicitation.

- Any item that would satisfy a criterion described in paragraphs a or b above that has been modified to meet Federal Government requirements.

- Installation, maintenance, repair, training, or other such services procured for support of an item described in paragraphs a through c above if the source offers such services to the general public and the Federal Government contemporaneously under similar terms and conditions, and with the same workforce.

- Any item or service offered or sold competitively in substantial quantities in the commercial marketplace based on established catalog or market prices; or that has been determined by the procuring agency to have been developed exclusively at private expense and sold in substantial quantities on a competitive basis to multiple state or local governments.

CONTRACT. A legally enforceable binding agreement between two or more persons or parties. For the purposes of this and all related orders, includes, but is not limited to, purchase orders, consulting agreements, lease agreements, interagency agreements, memorandums of agreement, and any other agreement between the FAA and another party or parties.

CONTRACTING OFFICER. An official who has authority to enter into and/or administer contracts and makes determinations or findings with respect to those contracts on behalf of the FAA.

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE (COTR). An individual designated in writing by a contracting officer to act as a technical representative to facilitate administration of a contract.

CONTRACTOR SECURITY. The standards and procedures utilized to determine and document that the use of an individual pursuant to a contract with the Federal Government will promote the efficiency of the service.

CONTRACTOR EMPLOYEE. A person employed as or by a contractor, subcontractor, or consultant to the FAA, or any non-FAA person who performs paid or non-paid work or services for the FAA within FAA facilities.

CRITICAL AREA POSITIONS. Positions that have a direct impact on communications, automated information systems, safety, security, and/or the National Airspace System (NAS), and/or are located in or have access to sensitive areas and security offices.

DEFENSE CLEARANCE AND INVESTIGATIONS INDEX (DCII) [formerly known as the Defense Central Investigations Index]. An automated index of digitally stored data of investigations conducted by the Department of Defense (DOD) on military personnel, DOD civilian employees and applicants, and contractors.

DUAL CITIZEN. A citizen of the United States having also citizenship in another country.

DUE PROCESS. Procedures designed to allow FAA employees, contractor employees, and applicants to respond to unfavorable information developed during personnel security investigations.

ESCORTING. A Federal or other appropriately cleared person or persons accompanying a contractor employee or other specified individual to prevent unauthorized access to FAA facilities, information, and/or resources. The escort must keep the individual(s) requiring escort in plain view at all times and must be constantly aware of the individual's actions.

FACILITY [as it applies to the Contractor and Industrial Security Program]. Any manned or unmanned building, structure, warehouse, appendage, storage area, utilities, and components, which when related by function and location form an operating entity owned, operated, or controlled by the FAA.

FAA EMPLOYEE. Any person employed directly by the FAA.

FINGERPRINT CHECK. This check consists of searches of the SII, FBI's Identification Division, FBI's Records Management Division, and DCII.

FOREIGN NATIONAL. An individual who is not a citizen of the United States.

IMMIGRANT ALIEN. An individual who is lawfully admitted to the United States under an immigration visa for permanent residence.

INDUSTRIAL SECURITY. The standards and procedures utilized to determine and document that use of an individual pursuant to a contract with the Federal Government is clearly consistent with the interests of the national security by ensuring protection of classified information in the custody of and/or accessed by U.S. industry.

LIMITED BACKGROUND INVESTIGATION (LBI). Searches of the SII, DCII, FBI's Identification Division, and FBI's Records Management Division, a credit search, personal interviews of the subject and sources, written inquiries of selected sources covering specific areas of a person's background during the most recent 3 years, and record searches for a total of 5 years of coverage.

MINIMUM BACKGROUND INVESTIGATION (MBI). Searches of the SII, DCII, FBI's Identification Division, and FBI's Records Management Division, written inquiries, telephone inquiries to follow up on written inquiries not returned, a credit search, and record searches for a total of 5 years of coverage.

NATIONAL AGENCY CHECK (NAC). Searches of the SII, DCII, FBI's Identification Division, and FBI's Records Management Division.

NATIONAL AGENCY CHECK AND INQUIRIES (NACI). Searches of the SII, DCII, FBI's Identification Division, and FBI's Records Management Division, and written inquiries and record searches covering specific areas of a person's background during the most recent 5 years.

NATIONAL AGENCY CHECK, LAW ENFORCEMENT CHECKS, AND CREDIT (NACLIC). Searches of the SII, DCII, FBI's Identification Division, and FBI's Records Management Division, law enforcement checks, and a credit check covering specific areas of a person's background during the most recent 5 years.

NATIONAL SECURITY. The protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, from overt and covert attack against or from espionage, sabotage, and subversion, and any and all illegal acts designed to weaken or destroy the United States.

NATIONAL SECURITY POSITION. A position involving Government activities concerned with the protection of the national security.

NEXUS. A direct or logical connection between a person's conduct and the duties and responsibilities of the position applied for.

OPERATING OFFICE. For the purposes of this and all related orders, an FAA line of business, activity, or organization utilizing the services and/or work of a contractor.

PERIODIC REINVESTIGATION (PRI). An investigation updating a previous investigation and consisting of an NAC, credit search, personal interview of the subject, and selected record searches.

PERIODIC REINVESTIGATION – SINGLE SCOPE BACKGROUND INVESTIGATION (SSBI-PR). An investigation conducted to update an SSBI that consists of personal interviews of the subject and sources, searches of the SII, DCII, FBI's Identification Division, and FBI's Records Management Division, a credit search, and written inquiries and record searches covering specific areas of a person's background during the most recent 5 years.

PERSONNEL SECURITY. The standards and procedures utilized to determine and document that the employment or retention in employment of an individual with the Federal Government will promote the efficiency of the service and is clearly consistent with the interests of the national security.

PERSONNEL SECURITY ADJUDICATOR. An individual in the servicing security element (SSE) who adjudicates personnel security investigations for suitability and/or security for employment in or under contract to the Federal Government.

PERSONNEL SECURITY COORDINATOR. An employee of an operating office assigned to coordinate personnel security functions among his or her organization, its SSE, and its Human Resource Management Division.

PERSONNEL SECURITY INVESTIGATION. An investigation, also referred to as a background investigation, conducted to aid in determining an applicant or employee's suitability for employment, qualifications for a position, or loyalty to the United States.

PERSONNEL SECURITY OFFICER. An appointed individual responsible for management and operation of the personnel, contractor, and/or industrial security program.

POSITION RISK LEVEL. The designation of a position based on its public trust responsibilities and attributes as they relate to the efficiency of the service.

POSITION SENSITIVITY LEVEL. The designation of a position based on its relative importance to the national security.

PROPRIETARY INFORMATION. Information in which the owner has a protectable interest or information contained in a bid or proposal or otherwise submitted to the Government by a competing contractor in response to the conduct of a particular Federal agency procurement, or in an unsolicited proposal, that has been marked by the contractor as proprietary information in accordance with applicable law and regulation.

PUBLIC TRUST POSITION. A position which has the potential for action or inaction by an incumbent to affect the integrity, efficiency, or effectiveness of assigned Government activities.

QUALITY ASSURANCE. A system that provides for a means of continuous review and oversight of a program/process to ensure (1) compliance with applicable laws and regulations; (2) the products and services of the program/process satisfy the mission of the program; and (3) the products and services are dependable and reliable.

REAL ESTATE CONTRACTING OFFICER (RECO). An official who has authority to enter into and/or administer real estate contracts and makes determinations or findings with respect to those contracts on behalf of the FAA.

REIMBURSABLE SUITABILITY INVESTIGATION (RSI). An investigation conducted by the OPM to resolve a suitability issue raised in a previous investigation.

RESOURCES [as it applies to the Contractor and Industrial Security Program]. FAA physical plants, sensitive equipment, information databases including hardware and software, and manual records pertaining to agency mission or personnel.

SECURITY ADJUDICATION. The determination as to whether the employment or continued employment of an individual, and the person's access to classified information, if necessary, can reasonably be expected to be clearly consistent with the interests of national security.

SECURITY AND SUITABILITY INVESTIGATIONS INDEX (SII). An electronically stored information in digital format created and maintained by OPM consisting of investigations conducted by OPM and certain other agencies as reported to OPM.

SENSITIVE INFORMATION. Any information which if subject to unauthorized access, modification, loss, or misuse could adversely affect the national interest, the conduct of Federal programs, or the privacy to which individuals are entitled under Section 552a of Title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive Order or an act of Congress to be kept secret in the interest of national defense or foreign policy. Sensitive data also includes proprietary data.

SERVICING SECURITY ELEMENT (SSE). The headquarters, region, or center organizational element responsible for providing security services to a particular activity. Note: Throughout this order, the headquarters SSE will be referred to as ACO-300 and wherever the term "SSE" appears it will refer to the region, center, and field elements.

SINGLE SCOPE BACKGROUND INVESTIGATION (SBI). Searches of the SII, DCII, FBI'S Identification Division, and FBI'S Records Management Division, birth records search, a credit search, personal interviews of the subject and sources, written inquiries, and record searches covering specific areas of a person's background during the most recent 10 years.

SUITABILITY. Identifiable character traits and past conduct which are sufficient to determine whether or not a given individual is likely to carry out the duties of a job with appropriate efficiency and effectiveness.

SUITABILITY ADJUDICATION. The process of determining a person's suitability for employment with, by, or for the Federal Government or to work or provide services as a contractor to the Federal Government.

UPGRADE INVESTIGATION (UGI). Searches of the SII, DCII, FBI's Identification Division, and FBI's Records Management Division, a credit search, personal interviews of the subject and selected sources, and record searches covering specific areas of a person's background since the last investigation. This investigation is for movement upward in sensitivity/risk level from between 13 to 60 months of the closing date of the previous investigation.

UPDATE INVESTIGATION (UDI). An investigation consisting of the same type of coverage as a previous investigation conducted within 13 to 60 months of the previous investigation.